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COMMITTEE OF PRIVILEGES

FIRST REPORT

(FOURTH LOK SABHA)

(Presented on the 22nd May, 1967)

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LOK SABHA SECRETARIAT
NEW DELHI
May 1967/Vaisakha 1889 (Saka)

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PERSONNEL OF THE COMMITTEE OF PRIVILEGES
(1967-68)

CHAIRMAN

1. Shri R. K. Khadilkar

MEMBERS

2. Shri Hem Raj
3. Shri J. M. Imam
4. Shri S. M. Joshi
5. Shri Thandavan Kiruttinan
6. Shri Bal Raj Madhok
7. Lt. Col. H.H. Maharaja Manabendra Shah of Tehri Garhwal
8. Shri P. Govinda Menon
9. Shri H. N. Mukerjee
10. Shri Anand Narain Mulla
11. Shri G. L. Nanda
12. Shrimati Vijaya Lakshmi Pandit
13. Shri P. Ramamurti
14. Shri A. K. Sen
15. Dr. Ram Subhag Singh

SECRETARIAT

Shri M. C. Chawla—*Deputy Secretary.*

FIRST REPORT OF THE COMMITTEE OF PRIVILEGES

(Fourth Lok Sabha)

I—Introduction and Procedure

I, the Chairman of the Committee of Privileges, having been authorised to submit the report on their behalf, present this report to the House on the question of privilege raised by Shri Kanwar Lal Gupta, M.P., on the 7th April, 1967 and referred to the Committee by the House on the 8th April, 1967 in terms of the following motion moved by Shri Atal Bihari Vajpayee, M.P., and adopted by the House:—

> "That the question of privilege raised by Shri Kanwar Lal Gupta regarding the failure of the Delhi Police to inform the Speaker, Lok Sabha, about the alleged arrest and release of Swami Brahmanand, a member of this House, on the 5th April, 1967, be referred to the Committee of Privileges with instruction to report by the First day of the next Session."

2. The Committee held five sittings. The Minutes of these sittings form part of the report.

3. At the first sitting held on the 10th April, 1967, the Committee decided to examine Swami Brahmanand, M.P., Shri B. N. Tandon District Magistrate, Delhi, Shri S. C. Vaish, then Additional District Magistrate, New Delhi and others (including Police Officers) concerned in the affair. The Committee also directed that the Ministry of Home Affairs be asked to furnish for perusal of the Committee, the enquiry report made by the Chief Secretary, Delhi Administration and the statements recorded by him of Swami Brahmanand, M.P., District Magistrate, Delhi, Additional District Magistrate, New Delhi, Sub-Divisional Magistrate, Parliament Street, New Delhi, Watch and Ward Officer, Parliament House and Police Officers concerned in the affair, a reference to which had been made by the Minister of Home Affairs in his statement in the House on the 8th April, 1967.

4. At the second sitting held on the 2nd May, 1967, the Committee examined Swami Brahmanand, M.P., Shri S. C. Vaish, formerly Additional District Magistrate, New Delhi, Sarvashri Hari Bhushan and Sham Lal, Sub-Inspectors, Police Station, Parliament Street, New Delhi.

5. At the third sitting held on the 3rd May, 1967, the Committee examined Shri B. N. Tandon, District Magistrate, Delhi and arrived at their conclusions.

6. At their fourth and fifth sittings held on the 6th and 7th May, 1967, the Committee considered their draft Report and adopted it after obtaining further elucidation of the statement earlier made by Shri B. N. Tandon, District Magistrate at the sitting of the Committee held on the 3rd May, 1967.

II—Facts of the case

7. On the 7th April, 1967, Shri Kanwar Lal Gupta, M.P., raised a question of privilege on the ground that intimation regarding the alleged arrest and release of Swami Brahmanand, M.P. on the 5th April, 1967, had not been sent to the Speaker, Lok Sabha, by the authorities concerned, as required under Rules 229 and 230 of the Rules of Procedure and Conduct of Business in Lok Sabha (5th Ed.). He alleged that:

Swami Brahmanand, M.P., was arrested on the 5th April, 1967, at 15.00 hours when he offered *satyagrah*, along with 186 other persons, in front of Parliament House. Swami Brahmanand, along with other persons was then first taken in a truck. But later, he was transferred to a Jeep by the Police authorities and was taken around the Parliament House for half-an-hour or forty-five minutes and thereafter to the Parliament Street Police Station. There, they were all seated and surrounded by the police constables. Their names and addresses were noted. They were not allowed to move and go out. But no intimation regarding the arrest and release of Swami Brahmanand, M.P., was sent to the Speaker, Lok Sabha.

8. On the 8th April, 1967, the Minister of Home Affairs made the following statement in the House:—

> "Yesterday, when this question of privilege was under consideration, you gave me some time to collect all the information. I asked the Chief Secretary, Delhi Administration, yesterday, to make an enquiry. He met Shri Brahmanand at the crossing near the north gate of Parliament House and recorded his statement. He also recorded the statements of the District Magistrate, the Additional District Magistrate, the Watch and Ward Officer of the Parliament House, the SDM Parliament Street and police officers concerned in the affair.

"The Chief Secretary's conclusions are: (1) that Shri Brahmanand and his followers had been trying to court arrest; the magistracy and the police, however, did not consider their arrest necessary.....

By getting into the police trucks at about 3 p.m. on 5th April, Shri Brahmanand and his followers were under the erroneous impression that they had succeeded in getting themselves arrested. There was, in fact, no arrest and they were not forced to get into trucks. Shri Brahmanand and his followers were treated with courtesy at Parliament Street Police Station. They remained in the Police Station for about two hours with a view to getting themselves arrested. When they did not succeed, they dispersed. These are the conclusions of the Chief Secretary....

...The spirit behind of informing Parliament about the arrest of a member is there because a Member will have to attend the session of Parliament. But here is a Member of Parliament who wanted to be arrested and, therefore, the facts get confused. So, really speaking, the question is whether in fact the member in question was arrested or not. The conclusion of the Chief Secretary which I read is that he was not in fact arrested...If, really speaking, the House wants and you want that the whole question should be gone into by the Privileges Committee, I would welcome it, because it is much better that these inquiries fix the responsibility. Because, the responsibilities of the Members of Parliament are also then made clear. Otherwise, the law and order agencies get confused. How are they to function? Here was a Member of Parliament who wanted to get himself arrested and, looking to their own responsibilities, they refused to arrest him. This has been made the issue of privilege. Therefore, I do not want to take a position as if I want to come in the way of the Privileges Committee going into the facts of the case. I am completely in your hands. If you feel that it should be referred to the Privileges Committee, I have no objection."

9. After some discussion, the motion (*see* para 1 above) moved by Shri Atal Bihari Vajpayee, MP., was adopted by the House.

III—Findings of the Committee

10. It is well-established that when a member is arrested or imprisoned on a criminal charge or detained under an executive

order or is subsequently released, the authorities concerned should immediately intimate such fact to the Speaker indicating the reasons for the arrest, detention or conviction, as the case may be, as also the place of detention or imprisonment of the member.[1] As *May* has stated:

> "Although the privilege of freedom from arrest does not extend to criminal charges, it is the right of each House to receive immediate information of the imprisonment or detention of any Member, with the reason for which he is detained. The failure of a judge or magistrate to inform the House of the committal to prison of a Member on a criminal charge or for a criminal offence would, therefore, constitute a breach of privilege....."

[*May's Parliamentary Practice*, 17*th Ed.*, *p.* 121, see *also pp.* 80-81]

11. The above position is not disputed by any body in the present case. What is in dispute is the factum of arrest. While Shri Kanwar Lal Gupta who had raised the question of privilege in the House on the 7th April, 1967, has alleged that Swami Brahmanand had been arrested on the 5th April, 1967 at 15.00 hours when he offered *satyagrah* in front of the Parliament House, the Minister of Home Affairs in his statement in the House on the 8th April, 1967 maintained that Swami Brahmanand had not, in fact, been arrested on that day and that, therefore, no question of sending any intimation to the Speaker arose.

There are thus two versions of the facts.

12. In order to find out the correct position, the Committee examined on oath Swami Brahmanand, M.P., Shri B. N. Tandon, District Magistrate, Delhi, Shri S. C. Vaish, then Additional District Magistrate, New Delhi and Sarvashri Hari Bhushan and Sham Lal, Sub-Inspectors, Police Station, Parliament Street, New Delhi. The two last-named Sub-Inspectors of Police were present on the scene of occurrence. The Committee also perused the enquiry report[2] submitted by the Chief Secretary, Delhi Administration and the statements[3] recorded by him in this connection.

13. Swami Brahmanand, in his evidence before the Committee, deposed that on the 5th April, 1967 when he along with several others offered *satyagrah* outside the Parliament House Estate, the Police

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[1] *See* Rules 229 and 230 of the rules of Procedure and Conduct of Business in Lok Sabha (5th Ed.).

[2] *See* Appendix.

[3] *Ibid.*

asked them to get into the vans which were parked there. He said that a Police Officer told them that they were under arrest as they had violated the law, although he could not say whether he himself was specifically told that he was under arrest. Swami Brahmanand added that while two or three vans carrying his other associates were driven away to the Police Station he was asked by the Police to get down on the ground that as he was an M.P., he should sit in a jeep. He was then taken to the Police Station in a taxi. He was kept at the Police Station for two or two and half hours. At about 7 P.M. he and others were asked to go away after their names and addresses had been noted by the Police.

The Police Officers, who appeared before the Committee, however, maintained that Swami Brahmanand and his associates were not arrested and the vans were taken to the Police Station as those persons, having boarded the vans, were not vacating them in spite of repeated requests.

14. After a thorough examination of the evidence given before the Committee, the Committee have come to the conclusion, that, irrespective of whether Swami Brahmanand was arrested or not within the strict legal meaning of the term "arrest", he was in fact under some kind of detention by the Police on the 5th April, 1967, from the time he was taken in a taxi from outside the Parliament House Estate (where he had offered *satyagrah*) to the Parliament Street Police Station (where his name and address were recorded by the Police) to the time he left the Police Station at about 7 P.M.

15. The Committee are, therefore, of the opinion that in the circumstances of the case, the authorities concerned should have informed the Speaker about the aforesaid detention and subsequent release of Swami Brahmanand as required under Rules 229 and 230 of the Rules of Procedure and Conduct of Business in Lok Sabha (Fifth Edition). The Committee consider that the failure of the authorities concerned to send the necessary intimation in the matter to the Speaker constituted, technically, a breach of privilege of the House.

16. The Committee, however, note that Shri B. N. Tandon, District Magistrate, Delhi, during his evidence before the Committee made the following statement:—

> "As I said, we did not think that it was an arrest and so we did not inform the Speaker. But, if it is the opinion of this august body that there was a restraint on Swamiji, I have no hesitation in expressing regret. While I was

not there on the spot and my A.D.M. or any magistrate was also not there, I take full responsibility of the happenings".

17. The Committee again heard on the 7th May, 1967 Shri B. N. Tandon, who was asked to elucidate the implications of the above statement made by him. At this hearing, Shri Tandon assured the Committee that he offered his unqualified regret for the happenings.

18. The Committee are fully satisfied with the above explanation and expression of regret by the District Magistrate, Delhi and feel that no further action is necessary in the matter.

IV—Recommendation of the Committee

19. The Committee recommend that no further action be taken by the House in the matter.

R. K. KHADILKAR,

Chairman,

Committee of Privileges.

New Delhi;

The 7th May, 1967.

MINUTES

I

First Sitting

New Delhi, Monday, the 10th April, 1967.

The Committee sat from 15.00 to 15.20 hours.

PRESENT

Shri R. K. Khadilkar—*Chairman*

MEMBERS

2. Shri Hem Raj
3. Shri Thandavan Kiruttinan
4. Shri Bal Raj Madhok
5. Lt. Col. H. H. Maharaja Manabendra Shah of Tehri Garhwal
6. Dr. Ram Subhag Singh

SECRETARIAT

Shri M. C. Chawla—*Deputy Secretary.*

2. At the outset, the Chairman welcomed the Members to the first sitting of the new Committee and observed that the Committee consisted of eminent persons and distinguished lawyers and jurists. He expressed the hope that their deliberations would always evoke the highest respect.

3. The Committee considered the question of privilege referred to the Committee by the House on the 8th April, 1967, regarding non-intimation to the Speaker, Lok Sabha, about the alleged arrest and release of Swami Brahmanand, M.P., on the 5th April, 1967.

4. The Committee decided to examine:

(i) Swami Brahmanand, M.P.,

(ii) District Magistrate, Delhi,

(iii) Additional District Magistrate, New Delhi,

(iv) Sub-Divisional Magistrate, Parliament Street, New Delhi,

(v) Superintendent of Police, New Delhi,

(vi) Deputy Superintendent of Police, New Delhi and other Police Officers concerned in the affair, and

(vii) Watch and Ward Officer, Parliament House.

The Committee directed that the above witnesses might be asked to appear before the Committee on Tuesday, the 2nd May, 1967 at 9.00 hours.

5. The Committee also directed that the Ministry of Home Affairs might be asked to furnish for perusal of the Committee, the enquiry report made by the Chief Secretary, Delhi Administration and the statements recorded by him of Swami Brahmanand, M.P., District Magistrate, Delhi, Additional District Magistrate, New Delhi, Sub-Divisional Magistrate, Parliament Street, New Delhi, Watch and Ward Officer, Parliament House and Police Officers concerned in the affair, a reference to which had been made by the Minister of Home Affairs in his statement in the House on the 8th April, 1967.

6. The Committee decided to hold further sittings to consider the matter on the 2nd, 3rd and 4th May, 1967.

The Committee then adjourned.

II

Second Sitting

New Delhi, Tuesday, the 2nd May, 1967.

The Committee sat from 09.00 to 12.30 hours.

PRESENT

Shri R. K. Khadilkar—*Chairman*

MEMBERS

2. Shri Hem Raj
3. Shri J. M. Imam.
4. Shri Thandavan Kiruttinan
5. Shri Bal Raj Madhok
6. Lt. Col. H. H. Maharaja Manabendra Shah of Tehri Garhwal
7. Shri H. N. Mukerjee
8. Shri Anand Narain Mulla
9. Shri P. Ramamurti
10. Dr. Ram Subhag Singh

SECRETARIAT

Shri M. C. Chawla—*Deputy Secretar.*

WITNESSES

(1) Swami Brahmanand, M.P.

(2) Shri S. C. Vaish	Additional District Magistrate, New Delhi (Now Deputy Commissioner, Manipur, Imphal).
(3) Shri Hari Bhushan	Sub-Inspector, Police Station, Parliament Street, New Delhi.
4. Shri Sham Lal	Sub Inspector, Police Station, Parliament Street, New Delhi.

2. Swami Brahmanand, M.P., was called in and examined on oath.

(*The witness then withdrew*)

3. The Committee then deliberated on the issues involved in the matter.

4. Shri S. C. Vaish, Additional District Magistrate, New Delhi (Now Deputy Commissioner, Manipur, Imphal) was then called in and examined on oath.

(*The witness then withdrew*)

5. Shri Hari Bhushan, Sub-Inspector, Police Station, Parliament Street, New Delhi, was then called in and examined on oath.

(*The witness then withdrew*)

6. Shri Sham Lal, Sub-Inspector, Police Station, Parliament Street, New Delhi, was then called in and examined on oath.

(*The witness then withdrew*)

7. The Committee decided to hear further evidence in the matter on Wednesday, the 3rd May, 1967, at 10.00 hours and directed that the following witnesses be asked to appear before the Committee on the 3rd May, 1967:—

(1) Shri C. L. Chhabra, Deputy Superintendent of Police, Police Station, Parliament Street, New Delhi.

(2) Shri B. N. Tandon, District Magistrate, Delhi.

The Committee then adjourned.

III

Third Sitting

New Delhi; Wednesday, the 3rd May, 1967.

The Committee sat from 10.00 to 11.45 hours.

PRESENT

Shri R. K. Khadilkar—*Chairman*

MEMBERS

2. Shri Hem Raj
3. Shri J. M. Imam
4. Shri S. M. Joshi
5. Shri Thandavan Kiruttinan
6. Shri Bal Raj Madhok
7. Lt. Col. H. H. Maharaja Manabendra Shah of Tehri Garhwal
8. Shri H. N. Mukerjee
9. Shri Anand Narain Mulla
10. Shri P. Ramamurti
11. Dr. Ram Subhag Singh.

SECRETARIAT

Shri M. C. Chawla—*Deputy Secretary.*

WITNESS

Shri B. N. Tandon—*District Magistrate, Delhi.*

2. Shri B. N. Tandon, District Magistrate, Delhi was called in and examined on oath.

(*The witness then withdrew*)

3. The Committee decided that it was not necessary to examine any further witnesses.

4. The Committee then deliberated on the matter and arrived at their conclusions.

5. The Committee came to the conclusion that, irrespective of whether Swami Brahmanand, M.P., was arrested or not within the strict legal meaning of the term "arrest", he was in fact under some kind of detention by the Police on the 5th April, 1967, from the time he was taken in a taxi from outside the Parliament House Estate

(where he had offered *Satyagrah*) to the Parliament Street Police Station (where his name and address were recorded by the Police) to the time he left the Police Station. The Committee felt that, in the circumstances of the case, the authorities concerned should have informed the Speaker about this detention of Swami Brahmanand as required under Rule 229 of the Rules of Procedure and Conduct of Business in Lok Sabha (5th Ed.). The failure to do so constituted, technically, a breach of privilege of the House.

The Committee were, however, satisfied by the statement made by Shri B. N. Tandon, District Magistrate, Delhi, in his evidence before the Committee, in which he had assured the Committee that there was no intention to show any disrespect or discourtesy to the House and that he unhesitantingly expressed his regret for the failure to inform the Speaker, if it was the opinion of the Committee that Swami Brahmanand had been in detention by the Police on the 5th April, 1967 information in respect of which should have been sent to the Speaker, Lok Sabha. The Committee, therefore, decided to recommend to the House that the matter be closed and no further action be taken.

6. The Committee decided to meet again on the 6th May, 1967 at 16.00 hours to consider their Draft Report.

The Committee then adjourned.

IV

Fourth Sitting

New Delhi, Saturday, the 6th May, 1967.

The Committee sat from 16.00 to 17.00 hours.

PRESENT

Shri R. K. Khadilkar—*Chairman*

MEMBERS

2. Shri Hem Raj
3. Shri J. M. Imam
4. Shri S. M. Joshi
5. Shri Thandavan Kiruttinan
6. Shri Bal Raj Madhok

7. Shri H. N. Mukerjee
8. Shri Anand Narain Mulla
9. Shri P. Ramamurti
10. Dr. Ram Subhag Singh.

SECRETARIAT

Shri M. C. Chawla—*Deputy Secretary.*

2. The Committee considered their draft First Report, on the question of privilege re: non-intimation to Speaker, Lok Sabha, about the alleged arrest and release of Swami Brahmanand, M.P., on the 5th April, 1967 and adopted it subject to para 16 thereof being amended in the light of the elucidation to be obtained by examining further Shri B. N. Tandon, District Magistrate, Delhi, on the implications of his statement before the Committee on the 3rd May, 1967. The Committee, accordingly, directed that Shri B. N. Tandon, District Magistrate, Delhi be asked to appear before the Committee on Sunday, the 7th May, 1967 at 11.00 hours.

3. The Committee decided that the evidence given before the Committee be appended to the Report of the Committee.

4. The Committee authorised the Chairman and in his absence, Shri H. N. Mukerjee, to present the Report to the House on the 22nd May, 1967.

The Committee then adjourned.

V

Fifth Sitting

New Delhi, Sunday, the 7th May, 1967.

The Committee sat from 11.00 to 12.05 hours.

PRESENT

Shri R. K. Khadilkar—*Chairman*

MEMBERS

2. Shri Hem Raj
3. Shri J. M. Imam
4. Shri Thandavan Kiruttinan

5. Shri Bal Raj Madhok
6. Shri Anand Narain Mulla
7. Dr. Ram Subhag Singh.

SECRETARIAT

Shri M. C. Chawla—*Deputy Secretary.*

WITNESS

Shri B. N. Tandon—*District Magistrate, Delhi.*

2. Shri B. N. Tandon, District Magistrate, Delhi, was called in and further examined by the Committee. He was asked by the Committee to elucidate the implications of his statement before the Committee on the 3rd May, 1967.

Shri B. N. Tandon assured the Committee that he offered his unqualified regret for the happenings.

(*The witness then withdrew*)

3. The Committee adopted their draft First Report after inserting the following new paragraph 17 and making some consequential amendments in paragraphs 2 and 6:—

"The Committee again heard on the 7th May, 1967, Shri B. N. Tandon, who was asked to elucidate the implications of the above statement made by him. At this hearing, Shri Tandon assured the Committee that he offered his unqualified regret for the happenings."

The Committee then adjourned.

MINUTES OF EVIDENCE TAKEN BEFORE THE COMMITTEE OF PRIVILEGES

Tuesday, the 2nd May, 1967.

PRESENT

Shri R. K. Khadilkar—*Chairman.*

MEMBERS

2. Shri Hem Raj
3. Shri J. M. Imam
4. Shri Thandavan Kiruttinan
5. Shri Bal Raj Madhok
6. Lt. Col. H. H. Maharaja Manabendra Shah of Tehri Garhwal
7. Shri H. N. Mukerjee
8. Shri Anand Narain Mulla
9. Shri P. Ramamurti
10. Dr. Ram Subhag Singh.

SECRETARIAT

Shri M. C. Chawla—*Deputy Secretary.*

WITNESSES

(1) Swami Brahmanand, M.P.

(2) Shri S. C. Vaish—*Additional District Magistrate, New Delhi (Now Deputy Commissioner, Manipur, Imphal).*

(3) Shri Hari Bhushan—*Sub-Inspector, Police Station, Parliament Street, New Delhi.*

(4) Shri Sham Lal—*Sub-Inspector, Police Station, Parliament Street, New Delhi.*

(*The Committee met at* 09.00 *hours*).

Evidence of Swami Brahmanand, M.P.

सभापति महोदय : स्वामी जी, आप जो इस कमेटी के सामने सच बात कहने के लिए आये हैं तो प्रोसीज्योर के मुताबिक़ पहले आप शपथ ले लीजिये ।

स्वामी ब्रह्मानन्द : मैं सच ही बात कहूंगा, झूठ हम बोलते ही नहीं हैं । (स्वामी ब्रह्मानन्द ने हिन्दी में शपथ ग्रहण की ।)

सभापति महोदय : आप को याद होगा कि 5 तारीख़ को पार्लियामेंट हाउस के सामने आप बैठे थे और वहां आप के साथ और भी कई आदमी थे जोकि नारे लगा रहे थे और उस वक्त वहां पर एक पुलिस वैन खड़ी थी, पुलिस की एक गाड़ी खड़ी थी ?

स्वामी ब्रह्मानन्द : पुलिस वाले खड़े थे और गाड़ियां भी थीं ।

सभापति महोदय : उस में जाकर आप खुद बैठे ?

स्वामी ब्रह्मानन्द : मैं वहां पहले धरने पर बैठा था । उस दिन और जत्था आया उस जत्थे को लेकर मैं बाहर निकला । जो घेरा है उस के बाहर निकल कर नारे लगाये और वह दफ़ा 144 तोड़ी । मैं सब से अगाड़ी था । पुलिस आई सवारी लगी हुई थी । कुछ लोग आगे को बढ़ने लगे तो मैं ने कहा कि बढ़ने की क्या जरूरत है ? जब गिरफ्तार कर लिया तो बैठो और हम लोग उस वाहन पर बैठ गये । हम सब लोग उन पर बैठ गये और दो, तीन वाहन चले गये । जिस पर मैं बैठा था वह रोक लिया, आध घंटे रोका गया । हमें कहा कि आप तो पार्लियामेंट के मेम्बर हैं आप ट्रक में न बैठें हम आप को दूसरी गाड़ी में जीप में ले जायेंगे । मैंने पुलिस वालों से कहा कि इस में क्या बात है ? मुझे कहां अलग ले जाओगे और अन्य लोगों को अलग ले जाओगे । जब पुलिस वालों ने कहा कि आप उतर आइये हम आप को दूसरी सवारी पर ले जायेंगे तो मैं उतर आया । जब मैं बाहर उस से निकला तो कोई एक मोटर थी उस पर बैठाला और दो पुलिस वाले मुझे थाने ले गये । हमारे बाक़ी जो महात्मा सत्याग्रही थे उन्होंने भी कहा कि स्वामी जी कहां रह गये? यह भी रगड़ा किया गया । खैर मैं भी वहां पर पहुंच गया और पहुंच कर हम सब लोग वहां बैठे । हम सब लोगों के नाम लिखे गये । दो घंटे तक जो क़ायदे की कार्यवाही थी वह हुई । उस के दो, ढाई घटे के बाद 7 बजे हम को कहा कि महाराज जाइये । जितने और लोग भी बैठे थे उन सब को छोड़ दिया । फिर नारे लगाते हुए हम लोग जलूस बना कर वहां से आ गये और धरने पर हम लोग फिर बैठ गये बस इतना ही हुआ है । मैं नहीं समझता कि इस में क्या दिक्कत आ गई है ? अब जब मैंने 144 तोड़ी और पुलिस ने पकड़ा तो इस में आफत की क्या बात हुई ?

सभापति महोदय : आप को किसी पुलिस अफसर ने ऐसा कहा कि आप गिफ्तार किये जाते हैं ?

स्वामी ब्रह्मानन्द : वह तो सब घेरा लगाया हुआ था उन्होंने और जब हम नारे लगाते हुए आगे को तरफ़ दरवाज़े की तरफ़ बढ़ रहे थे तो पुलिस ने रोका और कहा सवारी लगी है बैठिये इस में । मैं सब से अगाड़ी था मैं बैठ गया और मेरे और साथी लोग भी बैठ गये ।

सभापति महोदय : खुद पुलिस अफसर ने ऐसा नहीं कहा कि आप गिरफ्तार हैं इसलिए ट्रक पर बैठो ?

स्वामी ब्रह्मानन्द : अब गिरफ्तार करने के लिए रोज ही तो जत्थे पकड़े जाते थे और पुलिस वालों ने कोई ग़लती नहीं की अगर उन्होंने हम 144 दफ़ा तोड़ने वालों को पकड़ा। अगर आप भी कानून तोड़ेंगे तो आप को भी पुलिस को पकड़ना चाहिए। मेरी समझ में नहीं आता कि इस में अजीब बात क्या हुई? उस दिन कोई 187 आदमी सत्याग्रह के सिलसिले में मौजूद थे और जैसा मैंने बतलाया पुलिस ने घेरा डाला हुआ था और 144 का चूंकि हमारे द्वारा उल्लंघन हुआ वह हमें थाने में ले गये। तीन घंटे बैठाये रहे। अब इस में कौन सी अनोखी बात है? अब इसे सारे अख़बार वाले जानते हैं सारी दुनिया जानती है कि चूंकि उन लोगों ने धरना दिया और धारा 144 को तोड़ा इसलिए पुलिस ने उनको गिरफ्तार किया लेकिन मुझे उस में पुलिस का कोई कसूर नहीं मालूम देता है और मैं नहीं चाहता कि इस के कारण किसी भी पुलिस वाले को कोई नुकसान पहुंचे। उन्होंने कोई गलती नहीं की।

श्री जे० एम० इमाम : आप को किसी पुलिस के अफसर ने कहा कि हम आप को गिरफ्तार कर रहे हैं?

स्वामी ब्रह्मानन्द : अफसर गिफ्तार करने के लिए ही तो खड़े थे। मुझे जो वैन में बैठाया तो वह किसी पार्टी में मेहमानी करने के लिए थोड़े ही बैठाया था।

श्री मानवेन्द्र शाह : किसी पुलिस के अफसर ने आप से कहा कि आप गिरफ्तार किये जा रहे हैं?

स्वामी ब्रह्मानन्द : पुलिस ने कहा कि वाहन खड़ी है आप उस में बैठिये।

श्री हेमराज : वहां पर कितने पुलिसमैन और अफसर थे?

स्वामी ब्रह्मानन्द : गिनती ठीक नहीं मालूम लेकिन कम से कम 50—60 या 100 होंगे।

श्री हेमराज : सिपाही और अफसर सब मिला कर कितने थे?

स्वामी ब्रह्मानन्द : अफसर भी थे और मेरी समझ में जो टोप लगाये थे वह अफसर ही हो सकते हैं। जैसा मैंने बतलाया सिपाही और अफसर मिला कर करीब 50—60 के होंगे।

श्री हेमराज : उन में से क्या कोई पुलिस का अफसर आगे बढ़ा और आगे बढ़ कर उस ने आप को यह कहा कि चूंकि आप ने दफ़ा 144 तोड़ी है इसलिए हम आप को गिरफ्तार करते हैं? हम आप को गिरफ्तार करते हैं इन शब्दों का क्या किसी अफसर ने आप के सामने उच्चारण किया?

स्वामी ब्रह्मानन्द : वहां पर तीन, चार लारियां खड़ी थीं, घेरा डाला हुआ था और 144 को तोड़ने वालों को गिरफ्तार नहीं करना था तो फिर करना क्या था? गाड़ियों में जो हमें बैठने को कहा गया तो आखिर कोई भोज में थोड़े ही ले जाने वाले थे।

श्री हेमराज : मेरा प्रश्न यह है कि जो 187 आदमी आप के साथ थे आप उन के आगे थे और आप सब घेरे से निकल पड़े तो उस समय किसी पुलिस अफसर ने आप के सामने आकर यह कहा कि हम आपको गिफ्तार करते हैं?

स्वामी ब्रह्मानन्द : पुलिस अफसर ने कहा कि आप को गिरफ्तार किया। अब मैं पहचानता तो हूं नहीं कि वह कौन पुलिस का अफसर था। दूसरे हम बगैर कहे हुए उनके काहे को पुलिस वैन में बैठ जाते। रोज पुलिस की बसें खड़ी रहती थीं और वहां से जत्थे गिरफ्तार होकर ले जाये जाते थे। चूंकि हमने दफ़ा 144 तोड़ी पुलिस ने हमें गिरफ्तार किया और सब हम पुलिस की गाड़ी में बैठे और कैसे हम पुलिस की गाड़ी में बैठ सकते हैं ?

श्री हेमराज : जब आप पुलिस वैन में बैठे तो खुद अपने आप बैठे या किसी पुलिस अफसर ने आप से उस में बैठने के लिए कहा ?

स्वामी ब्रह्मानन्द : हमने धरना किया था दफ़ा 144 तोड़ी थी और जब उन्होंने कहा तो बैठ गये। मेरी समझ में नहीं आता कि इस में व्यर्थ क्यों बखेड़ा किया जा रहा है, हम ने 144 तोड़ी पुलिस ने गिरफ्तार किया और हम पुलिस वैन में बैठ गये सीधी बात है।

श्री हेमराज : क्या आप की यह धारणा थी कि चूंकि हर रोज इसी तरीक़े से सत्याग्रही नारे लगाते हुए जाते हैं और पुलिस उन को पकड़ लेती है इसलिए आपने भी समझ लिया कि वह हमें भी आज पकड़ेगी ?

स्वामी ब्रह्मानन्द : यह बात दुनिया जानती है कि हम को गिरफ्तार किया गया। चार घंटे हमको वहां थाने पर रक्खा गया और नाम आदि लिखा गया व क़ायदे की कार्यवाही की गई। 144 तोड़ने पर पुलिस ने हमको गिरफ्तार किया और कहा कि सवारी खड़ी है। पुलिस भी तैयारी करे हुए थी और यह कि उस ने गिरफ्तार किया तो यह उस से गलती हुई यह तो वह जाने और उच्च अधिकारी जानें बाक़ी मेरी समझ में पुलिस द्वारा कोई ग़लती नहीं हुई है। पुलिस की ज़रा भी ग़लती नहीं है। कोई भी जो कानून तोड़े, 144 दफ़ा को तोड़े उसे पुलिस को गिरफ्तार कर लेना चाहिए और इस में उन्होंने कोई अनुचित कार्य नहीं किया है।

श्री हेमराज : चूंकि आप ने 144 तोड़ी है इसलिए पुलिस को आप को पकड़ लेना चाहिए था ?

स्वामी ब्रह्मानन्द : नहीं पकड़ लिया था तो कोई भंडारा खिलाने जा रहे थे या कहीं मेहमानी पर ले जा रहे थे ? मैं जा रहा था तो कोई न्योते में थोड़े ही जा रहा था।

सभापति महोदय : क्या आप का कोई साथी जेल में था जिस को आप ने बतलाया था कि आप शाम को आ जायेंगे ?

स्वामी ब्रह्मा नन्द : मुझे याद नहीं कि कौन सा साथी था।

सभापति महोदय: जो पहले जेल में गया था उस को आप ने बतलाया था कि आप शाम को जेल में मिलेंगे ?

स्वामी ब्रह्मानन्द : यह तो मुझे याद नहीं। अगर मुझे याद दिलाया जाये कि किस से कहा था तब मैं बतला सकता हूं कि मैं ने यह जरूर लिख कर दिया था 31 तारीख को कि मैं धरना दूंगा। लेकिन मेरी कोई बात नहीं सुनी गई। में पार्लियामेन्ट में बैठता था तब स्वेतलाना का और ना जाने किस किस का किस्सा आता था लेकिन गाय के बारे में कुछ नहीं होता था। इस

लिये मैं ने कहा कि मैं करना दूंगा। मैं ने श्रीमती इंदिरा गांधी को लिख कर दिया, राष्ट्रपति को दिया और अध्यक्ष को भी लिखा। उस के बाद 5 तारीख को सूचना दी कि मैं 188 का कानून तोड़ूंगा क्योंकि मेरी बात कोई नहीं सुनता है। मैं ने उस को तोड़ा और पुलिस ने कायदे के मुताबिक मुझ को गिरफ्तार किया। पुलिस की कोई गलती नहीं है। अगर कोई कहता है कि पुलिस की गलती है तो यह अन्याय मैं समझता हूं।

श्री आनन्द नारायण मुल्ला: आप कहते हैं कि पुलिस वाले वहां बहुत थे और उन्होंने कहा कि हम आप को गिरफ्तार करते हैं। तो यह बात उन्होंने आम कहीं थी या खास तौर से आप से आ कर कही थी आप का नाम ले कर कि आप को गिरफ्तार करते हैं ?

स्वामी ब्रह्मानन्द : मैं भी वहां था। जो कुछ वहां पर कहा गया वह मुझ पर भी लागू हुआ।

श्री आनन्द नारायण मुल्ला : किसी ने खास तौर आप का नाम ले कर नहीं कहा बल्कि आम तौर पर कहा कि हम आप को गिरफ्तार करते हैं?

स्वामी ब्रह्मानन्द : नाम लेने का क्या सवाल था। जब मैंने खुद कहा कि मैं 5 तारीख को सत्याग्रह करूंगा तो इस में पुलिस वालों का क्या कसूर है ? मैं 144 तोड़ने का नाम लूं या न लूं इस से कोई फर्क नहीं पड़ता।

श्री आनन्द नारायण मुल्ला : नाम लिया या नहीं यह तो कानून का झगड़ा है। हम खामखाह उस में उलझ जाते हैं। तो आप यह ठीक कह रहे हैं कि उन्होंने नाम नहीं लिया ?

स्वामी ब्रह्मानन्द : मुझे याद नहीं कि नाम लिया या नहीं।

श्री आनन्द नारायण मुल्ला : जब आप मोटर में बैठे उस वक्त क्या किसी ने आप का हाथ पकड़ कर आप को बिठलाया या छू कर आप को बिठलाया ?

स्वामी ब्रह्मानन्द: बिठलाने का क्या सवाल था ? हम सब से कहा और हम चढ़ गये। कम से कम 187 आदमी थे और कई गाड़ियां थीं।

श्री आनन्द नारायण मुल्ला : किसी ने आप का हाथ पकड़ कर नहीं बिठलाया ?

स्वामी ब्रह्मानन्द : हाथ पकड़ कर क्यों बिठलाते ?

श्री मानवेन्द्र शाह : इतने लोगों में से किसी ने आप से नहीं कहा ?

स्वामी ब्रह्मानन्द : हम से कहा या नहीं यह फजूल की बहस है।

श्री मानवेन्द्र शाह : आप ने कहा कि आप को बिठला दिया गया तो क्या आप से कहा गया कि आप गिरफ्तार हैं ?

स्वामी ब्रह्मानन्द : उन्होंने कहा कि हम आप को गिरफ्तार करते हैं क्योंकि आप ने कानून तोड़ा है। जब हम आगे बढ़ने लगे तो हमको रोका गया। जब हमने कानून तोड़ा तो

पुलिस ने हमको गिरफ़्तार किया यह कह कर कि हमको आगे नहीं बढ़ना चाहिये। पहले भी ऐसे ही करते थे। मैं पहले भी जेल जा चुका हूं हम लोगों ने कानून तोड़ा और उन्होंने हमें गिरफ़्तार कर लिया।

श्री आनन्द नारायण मुल्ला : उस के बाद जब आप बैठ गये तब क्या उन्होंने आप से कहा कि स्वामी जी आप दूसरी गाड़ी पर जाइये इस पर मत बैठिये ?

स्वामी ब्रह्मानन्द : उन्होंने कहा कि एम० पी० को हम इस पर नहीं ले जायेंगे। मैं ने कहा कि क्या हम को गिरफ़्तार किया है तो उन्होंने कहा कि हां। हम आप को वहां ले चलते हैं लेकिन आप दूसरी जीप में बैठ जाइये। मैं ने पूछा कि कहीं ऐसा तो नहीं करते कि आप मुझ को मेरे साथियों से अलग कर दें ?

श्री आनन्द नारायण मुल्ला : क्या आप वक्त का कुछ अन्दाजा दे सकेंगे कि किस वक्त आप जीप में बैठे और किस वक्त थाने पहुंचे ?

स्वामी ब्रह्मानन्द : ठीक तो नहीं बतला सकता लेकिन 10 या 12 मिनट लगे होंगें। हमारे साथी वहां कह रहे थे कि स्वामी जी को कहां ले गये। गिरफ़्तार करने के बाद सब से पहले मेरा नाम लिखा पुलिस वालों ने, उस के बाद दूसरों का लिखा। मुझे कुर्सी दी। मेरा नाम लिखा मेरे गुरू का नाम लिखा। मैं कई बार जेल गया हूं जो कायदे की बात होती है वह सब उन्होंने लिखा और गिरफ़्तारी के बाद तीन घंटे तक वहां रक्खा और पूरी कार्रवाई जो होती है वह किया। मैं नहीं समझता कि इस में क्या परेशानी की बात हो गई। 188 का कानून तोड़ने के बाद मुझे उन्होंने पकड़ा फिर छोड़ दिया। पुलिस पकड़ भी लेती है और छोड़ भी देती है इस में क्या खास बात है ?

श्री बलराज मधोक : जो पुलिस गाड़ियां थीं उन में आप अपने आप बैठ गये या किसी ने आप से बैठने के लिये कहा ?

स्वामी ब्रह्मानन्द : बैठने को कहा। हम क्यों बैठ जाते ? क्या वह कोई बारात या शादी थी, कोई भंडारा या भोज था ?

श्री बलराज मधोक : आज कल थाने में भंडारा लगता है बाहर नहीं मिलता।

स्वामी ब्रह्मानन्द : अगर इस में कहा जाय कि कोई पुलिस की गलती है तो मैं इस को नहीं मानता। पुलिस की कोई गलती नहीं है जिस के लिये उस को सजा दी जाये। अगर पुलिस पर कोई बात आती है तो बेकार आती है। अगर कोई कानून तोड़ता है तो वह पकड़ा जाता है। उसे कोई आ कर पकड़े तो इस में क्या बात है ? एम० पी० का सवाल रह जाता है। अगर कोई एम० पी० भी कानून तोड़ता है तो उस को पकड़ना चाहिये।

श्री मोहम्मद इमाम : आप ने कानून तोड़ा है इसलिये आप को गिरफ्तार करना उन का फर्ज है ?

स्वामी ब्रह्मानन्द : उन्होंने ठीक किया।

श्री हेमराज : जिस वक्त उन्होंने कहा कि आप पुलिस वैन में बैठिये, या टैक्सी में बैठिये और आप उस में बैठ कर पुलिस स्टेशन पहुंचे उस समय आप के साथ कोई सिपाही तो नहीं था ?

स्वामी अग्निवेश : मेरे साथ दो सिपाही गये थे ।

श्री हेमराज : जिस समय आप पुलिस स्टेशन पहुंचे उस समय कोई सिपाही था या नहीं ?

स्वामी अग्निवेश : बैठ कर दो सिपाही गये । उन्होंने कहा कि स्वामी जी को थाने ले चलो । क्या आप के कहने का यह मतलब है कि मैं कहीं से अपनी मोटर लाया और थाने में आ गया ।

श्री हेमराज : स्वामी जी, आप पूरा प्रश्न तो सुनिये । जिस समय आप की टैक्सी पुलिस स्टेशन पहुंची उस समय कोई सिपाही आप के साथ था या नहीं ?

स्वामी अग्निवेश : दो सिपाही बैठ कर मुझे ले गये थे । मैं जानना चाहता हूं कि इतना जो समय लगाया जा रहा है और गड़बड़ मची हुई है उस में आखिर हुआ क्या ? मैंने अध्यक्ष महोदय को भी लिखा था कि मिनिस्टरों के बंगलों में जमीन पड़ी हुई है उस को जोतो ताकि गल्ला पैदा हो, गाय पालो । लेकिन किसी ने मेरी बात नहीं सुनी । मैंने श्रीमती इंदिरा गांधी को भी चिट्ठी लिखी कि मैं पार्लियामेन्ट में गाय के लिये आया हूं लेकिन उस की कोई चर्चा यहां नहीं हो रही है । मैंने राष्ट्रपति को भी लिखा, अध्यक्ष को भी सूचना दी । जब मैं ने धारा 188 तोड़ी तब भी सूचना दी ।

सभापति महोदय : इस बारे में पुलिस की कोई गलती है, ऐसी बात नहीं है । जो बात हुई है उस के लिये अगर आपको गिरफ्तार किया होता तो कोई बात न होती । लेकिन सवाल यह है कि गिरफ्तार किया है या नहीं । अगर आप जा कर खुद बैठ गये तो वह गिरफ्तारी नहीं, अगर पुलिस . . . . .

स्वामी अग्निवेश : मैं तो कहता हूं कि अगर मुझे को गिरफ्तार भी किया है तो बुरा क्या है ? अगर मैं ने कोई बुरी बात की है तो उस की सजा मिलनी चाहिये, इस में दिक्कत क्या है ? क्या मैं ने कोई चोरी की है ? मैं जिन्दगी भर कांग्रेस में रहा हूं ।

Shri Hem Raj: He says that he is deemed to have been arrested.

Shri Thandavan Kiruttinan: How much time were you put up in the police station?

(आप पुलिस थाने में कितनी देर रहे ?)

Shri Thandavan Kiruttinan: Were you remanded?

श्री चांडवल किशन (हिन्दी ट्रांसलेशन) : आप को वहीं पर किसी कमरे में या जेल भिजवाने के लिये कहा गया ?

स्वामी ब्रह्मानन्द : पुलिस वाले डंडे और बन्दूकें लिये खड़े हुये थे और घेरे के अन्दर हम लोग थाने के अन्दर थे ? कमरे में वहां 187 आदमी कैसे आ सकते थे ?

श्री हेमराज : क्या आप के कोई सत्याग्रही थे जो कि पहले से जेल में चले गये थे उनमें कोई सीताराम खेमका भी थे ?

स्वामी ब्रह्मानन्द : वह तो सत्याग्रहियों को अपनाते हैं और उनकी सेवा करते हैं। वह एक मारवाड़ी सज्जन हैं वह जेल कहां गये ?

श्री हेमराज : सत्याग्रह करने से पहले क्या आप की उन से कोई बातचीत हुई थी ?

स्वामी ब्रह्मानन्द : मुझे याद नहीं पड़ता है। बाकी यह मामला इतना साफ है कि इस में झगड़ा करने की कोई गुंजाइश नहीं है। लेकिन इस मामले में भी अगर इस तरह से बातें होती हैं तो यह गाड़ी कैसे चलेगी गवर्नमेंट की ? अब बात बिल्कुल साफ है। सारे अखबार जानते हैं। तहलका मच गया था। सत्याग्रह करने का हम ने नोटिस दिया था और 144 तोड़ने पर गिरफ्तारियां हुईं। पुलिस ने गिरफ्तार किया लेकिन इसमें पुलिस का कोई कसूर नहीं है। पुलिस का इस बारे में कुछ नहीं होना चाहिये अगर कुछ होता है तो यह उनके साथ अन्याय है। जो भी कानून तोड़े भले ही वह कोई क्यों न हो पुलिस को उसे पकड़ना ही चाहिये और यही यहां भी हुआ है।

महात्मा गांधी ने राजकोट में सत्याग्रह किया। जब उन्हें मालूम हुआ कि गलत हुआ तो उन्होंने कहा कि मुझ से गलती हो गयी। अगर गलती हो गयी है तो कह देना चाहिये कि भाई गलती हो गयी। अगर मेरे से कुछ गलती हो गयी है तो मैं फौरन कह दूंगा कि मुझ से गलती हो गयी। इस में मान, मर्यादा की क्या बात है ? अब पुलिस वालों ने अगर कानून तोड़ने वाले को पकड़ा और उसके लिये अगर उन पुलिस वालों को कोई सजा दी जाती है तो मेरी राय में यह उनके साथ अन्याय करना होगा। क्या गलती प्रधान मंत्री श्रीमती इन्दिरा गांधी की नहीं है ? मैंने उन्हें काफी समय पहले इस बारे में पत्र लिखा था लेकिन उन्होंने मुझे उसका कोई उत्तर नहीं दिया। अध्यक्ष को भी मैंने पत्र लिखा कि हम सत्याग्रह करने जा रहे हैं लेकिन उन लोगों ने मुझे कोई उत्तर नहीं दिया। अब पुलिस का क्या कसूर है ? हमने कानून तोड़ा और उसने हमें पकड़ लिया। इसके लिये अगर पुलिस के साथ कुछ किया जाता है तो यह उसके साथ ज्यादती करनी है।

सभापति महोदय : सवाल यह है कि जो हैड कांस्टेबुल टैक्सी में आप के पास खड़ा था और दो सिपाही थे तो उन्होंने जब टैक्सी चल रही थी उस वक्त आप से यह कहा था कि आप गिरफ्तार नहीं हैं ?

स्वामी ब्रह्मानन्द : नहीं कहा। यह तो कोई बात नहीं है।

सभापति महोदय : आल इंडिया रेडियो के पास जब टैक्सी खड़ी थी उस वक्त आप को क्या कहा था उन्होंने कि आप गिरफ्तार नहीं हैं और किधर भी जा सकते हैं पार्लियामैंट हाउस भी जा सकते हैं। ऐसा कुछ बोला था ?

स्वामी ब्रह्मानन्द : मुझे पुलिस अफसर ने कहा कि आप को ट्रक पर ले जाना उचित नहीं है और वह आप का अपमान करना है। आप इस गाड़ी पर बैठिये। दो सिपाही साथ हो लिये। मैंने कहा कि इसमें अपमान की क्या बात है मैं अपने अन्य साथियों के साथ ही जाऊंगा। पुलिस वालों ने कहा कि ऐसा नहीं हो सकता आप पार्लियामैंट के मेम्बर हैं आप को अलग से मोटर पर ले जाया जायगा और इस तरह सिपाही साथ में मुझे बैठा कर ले गये। **(कमेटी के सामने कांस्टेबुल आसादीन का बयान पढ़ कर सुनाया गया)** अब अगर इस तरीके से मामला चलेगा तो गांधी जी का राज्य कैसे चलेगा और आप का राज्य कैसे चलेगा ? पुलिस को कुछ नहीं होना चाहिये। अगर इस कारण पुलिस को कुछ नुकसान होता है तो मैं झूठ तक बोलने को तैयार हूं। पुलिस का इसमें कोई कसूर नहीं है। मैं झूठ लिख कर दे दूंगा कि पुलिस को इस कारण कुछ नुकसान न पहुंचाया जाये।

श्री मानवेन्द्र शाह : इसमें पुलिस को कोई नुकसान पहुंचाने की बात नहीं है। हम केवल सत्य को जानना चाहते हैं। उस कांस्टेबुल ने अपने बयान में कहा है कि उसने आल इंडिया रेडियो के पास जाकर आप से यह कहा कि आप गिरफ्तार नहीं हैं और आप जहां भी जाना चाहें वहां जा सकते हैं तो इसके बारे में आप को क्या कहना है ?

स्वामी ब्रह्मानन्द : यह बिल्कुल ठीक नहीं है।

श्री मानवेन्द्र शाह : उस सिपाही ने अपने बयान में कहा कि जब स्वामी जी नहीं माने और टैक्सी को थाने की तरफ ले जाने को कहा तो उसने टैक्सी रुकवा ली और वह सिपाही टैक्सी से नीचे उतर पड़ा और स्वामी जी अपने आप चले गये, इसके बारे में आप को क्या कहना है ?

स्वामी ब्रह्मानन्द : यह ठीक नहीं है। वह थाने तक मेरे साथ गया। थाने पहुंचाकर मुझे वह फिर चला गया।

श्री मानवेन्द्र शाह : टैक्सी का किराया किस ने दिया ?

स्वामी ब्रह्मानन्द : मुझे पता नहीं टैक्सी का किराया किस ने दिया ? मैं पैसा नहीं छूता। अब भी आप का पैसा वहां पड़ा होगा। मैं पैसा हाथ से नहीं छूता। मैंने कभी पैसा नहीं छुआ हालांकि करोड़ों रुपया देश के नाम पर मांगा अवश्य होगा।

अब सच्चाई तो यह है कि गिरफ्तार किया गया। बेकार में वक्त बर्बाद हो रहा है। इतने समय तो फावड़ा लेकर जमीन खोदते तो कुछ पैदा कर सकते थे। सारा देश जानता है, सारे अखबारों में निकल गया कि गिरफ्तारियां हुईं और स्वामी ब्रह्मानन्द को 187 सत्याग्रहियों के साथ गिरफ्तार किया गया। अब मैं नहीं समझता कि पुलिस का इसमें कोई कसूर है क्योंकि चाहे कोई भी कानून को तोड़े तो पुलिस को उसे पकड़ना ही चाहिये और यहां भी उसने यही किया है। जहां तक हमारा ताल्लुक है हम तो सत्याग्रही हैं और सही मायने में गांधीवादी

सत्याग्रही हैं और हम तो जेल में बान बांटने वाले और कोल्हू चलाने वाले सत्याग्रही हैं। हम कोई लम्बे पड़ जाने वाले सत्याग्रही थोड़े हैं। पार्लियामेंट में कई आदमी लम्बे पड़ जाते हैं तो वैसा तो हम नहीं करने वाले हैं। उन्होंने कहा हमें कि निकल जाइये तो हम निकल गये।

श्री त्रेमराज : चूंकि आपने सत्याग्रह किया इसीलिये आपने यह समझा कि हम गिरफ्तार हो गये हैं ?

स्वामी ब्रह्मानन्द : इसमें शक की क्या बात है ?

श्री मोहम्मद इमाम : जब आप पुलिस थाने पहुंचे और टैक्सी से नीचे उतरे तब आप के साथ कोई दूसरा भी टैक्सी में था ?

स्वामी ब्रह्मानन्द : मुझे नहीं मालूम। मैं थाने में चला गया। लेकिन इसके पूछने का क्या यह मतलब है कि मैंने टैक्सी की और खुद थाने में घुस गया ? लेकिन अगर इसमें कहीं किसी तरह से पुलिस बचती हो तो मैं झूठ भी कह सकता हूं कि मैं मोटर लेकर गया और जबरदस्ती थाने में घुस गया, पुलिस ने मुझे थोड़े ही रक्खा। लोग आ गये। वे बाहर या भीतर जा भी नहीं सकते थे। मैंने उनसे कहा भी नहीं था। अगर ऐसा होता तो शायद मुझे जाना होता, मोटर पर चढ़ कर जाना होता। अगर मुझे साथियों से मिलने जाना होता तो मैं खुद ही न कहता। मैंने तो लिख कर अध्यक्ष को दिया है, सूचना दे दी है कि कानून तोड़ना है। रही यह बात कि सूचना देनी चाहिये एम० पी० के बारे में इसके संबंध में भले ही कोई गलती उनकी हो, लेकिन पुलिस ने मुझ को गिरफ्तार कर के बाकायदा काम किया है और बाद में मुझ को छोड़ भी दिया।

सभापति महोदय : आप को जो कुछ कहना था वह आपने सच्चे दिल से कह दिया है। अब आप जा सकते हैं।

(The witness then withdrew)

Evidence of Shri S. C. Vaish, Additional District Magistrate, New Delhi

Shri S. C. Vaish: I, S. C. Vaish, do swear in the name of God that the evidence which I shall give in this case shall be true, that I will conceal nothing and that no part of my evidence shall be false.

Mr. Chairman: You were the ADM here on the 5th of the last month?

Shri S. C. Vaish: Yes, Sir.

Mr. Chairman: Mr. Vaish, you know that that a satyagrah was offered by Swami Brahmanand, M.P. before the Parliament House. Could you tell us how he was taken to the Police Station? What happened on that day?

Shri S. C. Vaish: As far as I know, what I heard was ....

Mr. Chairman: Were you not on the spot?

Shri S. C. Vaish: Not at the Parliament House that day. I was in the Regal Park. This is what happened.

That day we had information about three proposed incidents. Firstly, there was the Sikh International Brotherhood led by Bakshi Jagdev Singh and they wanted to hold a protest meeting in the Regal Park at 5 P.M. We had called Bakshi Jagdev Singh and requested him not to do it. But he had insisted that he would violate Section 144 and hold a meeting. So, we had arrangements in the Regal Park to stop that.

Secondly, on that day, there was a show in the AIFACS Hall in respect of which it was alleged that tickets had been sold by some person at a very high price on the plea that Presley was coming but we had checked from the Embassy that he was not coming. So, we were frightened that the ticket-holders might come and when they come to know that Presley is not coming, they might attack the Hall. We made some arrangements there.

Thirdly, there was the anti-cow slaughter agitation going on from day to day.

In the afternoon, on that day, I was in the Regal Park and we were waiting there for Bakshi Jagdev Singh and his group to come. The S.P. was there; the S.D.M., Mr. Kakkar was there and I was there. That day we had taken a decision in the morning that as we did not have adequate police force and the transport to arrest the anti-cow slaughter agitators, there will be no arrest that day.

Mr. Chairman: You had decided that. When Shri Brahmanand and his group were taken in a van, why were they taken to the Police Station when you were not going to arrest them?

Shri S. C. Vaish: We were not doing it.

Mr. Chairman: Then why?

Shri S. C. Vaish: At about 4-15 P.M., a Messenger came from the Parliament House to the Regal Park saying that Shri Brahmanand and his followers had got into the truck and that the truck was waiting and he wanted to know what to do about it. The S.P. (South) who was there with me told that Messenger, "You go back and tell them that the truck is not to be moved. Let them sit in the truck if they want."

Mr. Chairman: Nobody prevented them from getting into the truck? Did any one ask them not to get into the truck?

Shri S. C. Vaish: I was not there, From what I heard, they got into it and they would not get out. The SP issued instructions in my presence that the truck should be there.

Mr. Chairman: Later, it appears that the truck went to the Police Station. How?

Shri S. C. Vaish: I have no knowledge. From what I heard, later on the truck was needed and so, they drove it to the Parliament Street Police Station.

Mr. Chairman: It was needed somewhere else?

Shri S. C. Vaish: We were having three engagements on that day.

Mr. Chairman: Later on, you had some report on those who were inside the truck? As it was reported, the truck was needed elsewhere, but in order to show due respect to Swamiji, he was asked to get down and a taxi, it appears, was hired, and it appears that he was taken in a taxi to the Police Station. So, you had some report?

Shri S. C. Vaish: Not that day because after I finished at Regal Park, at about 5.15 I went to the Parliament Street Court adjoining the Police Station and there I heard that Swamiji and his followers were in the Police Station. At that time I did not know the details that he had got down from the ruck and he had come in a taxi. I rang up the Deputy Commissioner. He was in a meeting and I informed him of the details. He said that the Swamiji was not under arrest, but as he is in the Police Station, there might be some doubt and so, I must tell the Home Ministry about this. He said that I should inform Mr. Arora, Deputy Secretary. I rang up his office from the Parliament Street Court. His office told me that he was in the Rajya Sabha gallery. So, with Mr. Kakkar, I came to Parliament House and I asked the DSP Mr. Chowdhri, to let me meet Mr. Arora. By the time I reached Rajya Sabha, the Sabha had adjourned and they reported that he had left. In the meantime, the DSP told me that the report had gone to the Speaker that Swami Brahmanand had been taken into custody. Then I told the DSP that I had come there for that very purpose; it is a wrong report, he is not under arrest and he is sitting of his own violation in the Thana. Then I requested him to inform the Speaker on this position. After that, I went to the Home Ministry and told Mr. Arora about it.

Mr. Chairman: This is all that you have got to say about this incident. Did you enquire for how long they were in Thana, *i.e.*, the Police Station?

Shri S. C. Vaish: At 5.30 when I left the Parliament Street Court, they were there. After I had finished with Mr. Arora, I checked up from the Thana late in the evening. It was, I think, about 9 O'Clock because when I went to him I had an order that the Government needed a report about Bakshi Jag Dev Singh's arrest; I went to him, prepared the report and had it despatched; then I rang up Thana and they told me that they had left.

Mr. Chairman: If they were not under arrest, why were they taken to the Thana? You have no report about this?

Shri S. C. Vaish: I do not know.

Shri A. N. Mulla: You say that in the morning you had decided that there would be no arrest. I take it that you made an earlier statement also before the Chief Secretary. Did you make this statement there?

Shri S. C. Vaish: I do not think so.

Shri A. N. Mulla: Why?

Shri S. C. Vaish: The Chief Secretary had asked me a number of questions and I had replied in detail. Perhaps I did not mention this.

Shri A. N. Mulla: I take it that you did not consider it important that you should mention that fact there, but you consider it important that you should mention it here.

Now, at about 5.15 P.M., you say you were near the Police Station and you came to know that Swami Brahmanand was detained there at the Police Station....

Shri S. C. Vaish: Not detained.

Shri A. N. Mulla: ....was present at the Police Station. You did not consider it necessary to find out for yourself the nature of his being there, whether he was detained or not, but you were only listening to reports that were coming to you. Why?

Shri S. C. Vaish: The police had told me that he was sitting there on his own free will.

Shri A. N. Mulla: My question is this. Because an M.P., under extraordinary circumstances, was at the Police Station and it was

not definite whether he was detained or not detained, you did not care to find out for yourself whether he was detained or he was voluntarily sitting there in the Police Station?

Shri S. C. Vaish: I did not go to the Police Station. As soon as I informed my Deputy Commissioner and he ordered me to tell the Home Ministry about it, I proceeded to contact Mr. Arora.

Shri A. N. Mulla: So far as your personal knowledge of this affair is concerned, it is absolutely nil?

Shri S. C. Vaish: Yes, Sir.

Shri A. N. Mulla: All that you have deposed is what you heard from others.

Shri S. C. Vaish: Yes, Sir.

Shri Bal Raj Madhok: The Chief Secretary in his report which he submitted after interviewing all officers including yourself, says:

> "On 5-4-67, at about 3 P.M., about 180 of his followers collected there. He—Swamiji—exhorted them to remain peaceful. The Policemen were lined up along the outer wall of Parliament estate. The Police officers on duty urged them to enter the van which they did. Later, they told him that he should not go in the Police van in view of high public office held by him and he was persuaded to get into a taxi along with one of his followers. He was accompanied by two policemen."

You say that they voluntarily got into the truck. This report has been submitted by the Chief Secretary after getting the evidence of all the officers including yourself. How does this discrepancy come here?

Shri S. C. Vaish: My knowledge of this affair came from two sources: one at Regal Park when at about 4.15 a messenger came from Parliament House and said that they got into the truck; secondly, at 5.30 when I went to the Parliament Street Court, there I heard that Swami Brahmanand and his followers were at the Thana.

Shri Hem Raj: In your statement before the Chief Secretary, you have stated that you contacted Mr. Chaudhry DSP and Mr. Chaudhry informed you that he learnt that Swami Brahmanand had been arrested, but you gave him the information that he was

not under arrest. Did you try to ascertain the facts before you gave this information to Mr. Chaudhry that the Speaker should be informed that he was not under arrest?

Shri S. C. Vaish: No, Sir; the entire details as to what happened since Swami Brahmanand got into the truck and came to the Police Station, I did not ascertain.

Shri Hem Raj: Why did you inform Mr. Chaudhry that he should inform the Speaker that no arrest had been made, without ascertaining the facts?

Shri S. C. Vaish: At 5.30 the Parliament Street Police Station reported to me that Swamiji was sitting in the Thana and he was free to leave and he was not leaving. On that basis, I reported that he was not under arrest.

Shri Hem Raj: Even after giving this information, did you try to ascertain the facts?

Shri S. C. Vaish: Then I went to the Home Ministry and then compiled a report on Bakshi Jag Dev Singh's arrest. At 9 O' clock I checked from the Thana whether they were there.

Shri J. Mohamed Imam: Before the Swamiji got into the taxi, did any officer tell Swamiji that he was free to move wherever he wanted and there was no need to get into the taxi?

Shri S. C. Vaish: I do not know.

Shri P. Ramamurti: At abou 5t15 P.M. you say that you were directed to contact the Home Ministry and give them some information in connection with this so-called arrest or alleged arrest or whatever it is. What was the information that you were asked to give to the Home Ministry at that time?

Shri S. C. Vaish: That the Swamiji is at the Police Station; he is free to leave and that he is not under arrest.

Shri P. Ramamurti: What was the need to inform the Home Ministry of this, I cannot understand. The moment somebody is in the Police Station, immediately you go and inform the Home Ministry. Why should the Home Ministry be disturbed like this? Was it a case where you wanted to consult to make it clear whether he should be continued to be detained? It is a strange thing that the moment somebody is in the Police Station, a senior officer like District Magistrate is asked to run to the Home Ministry imme-

diately. It is a very strange thing. Nobody has heard of this. Can you tell me what you were asked to convey to the Home Ministry? That information could have been conveyed over the phone. Is it necessary to run after him, whatever that gentleman's name is?

Shri S. C. Vaish: The Deputy Commissioner's order to me was that I should meet Mr. Arora, the Deputy Secretary and inform him that the Swamiji is at the Police Station and that he is not under arrest. If Mr. Arora wanted a report on this in writing I should give him in writing. When I informed him about this he said that he did not want a report in writing and I left.

Shri Ramamurti: The Officer, that is the D.S.P., who reported to the Speaker that the Swamiji had been arrested, was present at the spot. You were not present at the spot. You directed the person who was present on the spot and who had made a report to the Speaker that the Swamiji had been arrested to withdraw his earlier statement and to go to the Speaker and make another statement to the effect that the Swamiji was not under arrest, though he had made his earlier report to the Speaker on the basis of what he really saw. Am I correct?

Shri S. C. Vaish: I had contacted Shri Chaudhry, the D.S.P., only to seek his assistance to meet Mr. Arora in the Rajya Sabha Gallery. When Mr. Arora could not be traced and I was leaving, Mr. Chaudhry informed me that he had already reported to the Speaker about the arrest of Swamiji. I informed him that, as far as my instructions went, the Swamiji was not under arrest and this was what I was going to convey to Mr. Arora. I requested Mr. Chaudhry that if possible the Speaker should be informed that the Swamiji is not under arrest.

Shri P. Ramamurti: Obviously, if Mr. Chaudhry who had witnessed the incidence and who had reported the matter of arrest to the Speaker had told you that the Swamiji was under arrest, it was for you to report to the Deputy Commissioner that here was the officer who saw that the Swamiji had been arrested and who had reported it to the Speaker. Instead, you give a directive to the person to take back that report. Why is this discrepancy? It is a very strange position. Am I to understand that having made the arrest later on you made up your mind that he was not to have been arrested and in order to cover up this, you put up a cock and bull story?

Shri S. C. Vaish: No, Sir.

Shri Hem Raj: Mr. Chaudhry came to know about this arrest in person. Was he present at that time?

Shri S. C. Vaish: As far as I remember, it was reported to Mr. Chaudhary by one of his staff. He was not present.

Shri H. N. Mukherjee: You had no personal knowledge of what exactly happened. Round about 3 O' clock on 5 April according to the Report of your Chief Secretary the Police Officers on duty had urged the demonstrators including the Swamiji Brahmanandji to enter the police van.

Shri S. C. Vaish: No.

Shri H. N. Mukherjee: At some point of time I take it you had been asked that you have to contact Mr. Arora who is Deputy Secretary in the Home Ministry and perhaps ask his advice. It is stated in paragraph 5 here that between 3 P.M. roughly and 5.30 P.M. roughly a situation had been created which required your exercise of patience and tact and your having to consult the higher official in the Home Ministry. On your evidence between 3 and 5.30 P.M. Swami Brahmanand was in police custody.

Shri S. C. Vaish: The first information to me was at about 4.15 at Regal Park that Swamiji and his followers had got into the truck. At that time the instructions were that they were at liberty to go whenever they liked. The second time when I finished my work at Regal Park and came to Parliament Street, the information available to me was that the Swamiji and his followers were at the Police Station and though they were told that they were free to leave when they liked they were not leaving. Then I rang up the Deputy Commissioner. Then the instruction was issued to me to inform the Home Ministry.

Shri H. N. Mukherjee: I am not trying to put the blame on you. I just want to know the sequence of events.

Shri S. C. Vaish: In between the two, that is, 4.15 information and 5.30 information, I was at Regal Park handling the situation there and the details of happenings at Parliament House were not available to me.

Shri H. N. Mukerjee: You did not know what had happened. Round about 3 o' clock some people including Swami Brahmanand had got into the Police van or truck and till about 5.30 or a little later they were still in police custody.

Shri S. C. Vaish: That is my information.

Shri H. N. Mukherjee: When you came to the Parliament House, you were told that the Speaker had been told of the arrest of Swami Brahmanand. Did you have any knowledge as to whether an arrest had been made or not before you told Mr. Arora that there had been no arrest?

Shri S. C. Vaish: When at 5.30 I went to the Parliament Street Court and it was reported to me that the Swamiji was sitting in the Police Station, I checked up with the Police station as to the position. They said that the Swamiji and his followers were sitting there and they were under no restriction to leave whenever they liked. Then I informed the Deputy Commissioner about this, who instructed me to inform Mr. Arora, the Deputy Secretary in the Home Ministry about this. When I came to Parliament House to meet Mr. Arora in the Rajya Sabha Gallery, Mr. Chaudhary, the D.S.P. told me that the Speaker had already been informed about this arrest.

Shri H. N. Mukherjee: You had no personal information, but you had the second hand knowledge that Swamiji and his followers had forced their way into the Police conveyance. Is it the position that whether he is a Member of Parliament or even one happens to be a Member of the Cabinet or an ordinary citizen of the country one can force his way into the Police van or truck? I would rather go in a Police truck and not pay for it, if that is so. What is the commonsense view of the matter? What is the Police view of the matter? What is the procedure in this matter? I am eager to know the morals, the manners and the fashion in regard to such things.

Shri S. C. Vaish: The truck was there at the Parliament House. In regard to agitations—Goldsmith agitation, the ban cow-slaughter movement—groups of people come to Parliament House to voluntarily offer arrest, to break Sec. 144 and offer for being arrested. The trucks are being parked there. Generally we have had no unpleasant incidents in these agitations; they come in very organised form wherever the line of 144 restriction extends and when they cut across the line, then they are directed to sit in the trucks. They go very

calmly and peacefully. There has never been unpleasantness on this occasion. And as soon as they cross that line, we make a general announcement that "since you are breaking 144 law, you are under arrest. Please get into the trucks." Then they get into the trucks.

Mr. Chairman: You had not declared that since they had broken 144, they should get into the trucks? Otherwise, when trucks are standing there, nobody can get into them just for a free ride?

Shri S. C. Vaish: No, Sir.

H. H. Manabendra Shah: In this case, no announcement was made that 144 has been broken and that they should walk into the vans.

Shri S. C. Vaish: I have no information. But, I am told that no announcement was made.

Shri Bal Raj Madhok: By implication you admit that in this particular case too when demonstrators were there and they wanted to break 144, they must have been asked to get into the trucks. The normal practice is that if demonstrations are held before the Parliament House, there is a line beyond which they cannot cross. If it is a peaceful thing, nobody bothers about it. But, if they break the law, then they are asked to get into the trucks. They assume that they are under arrest and they get into the trucks. In this case, if they go into the trucks, it is to be assumed that they must have been asked to get into the trucks. Is this assumption wrong?

Shri S. C. Vaish: I believe that oral order of informing them that they are under arrest and that they should get into the trucks was not made there.

Shri Bal Raj Madhok: You have stated that there were trucks. The trucks could not have come there voluntarily. Somebody must have directed those trucks to come there. The people sitting there could not have got into the trucks on their own sweet will. Somebody must have given direction to the trucks to go over there. The direction must have been given. Without direction, the trucks could not have gone there.

Shri S. C. Vaish: I have no information about the direction.

Shri P. Ramamurti: When Section 144 was in force you people knew that there was going to be some sort of a satyagraha against Cow slaughter opposite Parliament House. So, in the morning, when you decided that there should be no arrest on that day, what did you propose to do? When there was going to be a demonstration,

did you believe that the demonstrations can continue for ever? And the police would not interfere with that. Does it mean that you decided not to arrest them? Obviously you should have decided to do something when there were people breaking Sec. 144. Were you not going to disperse them by force or were you going to let them shout to their heart's content till 6 P.M.? Is that your contention?

Shri S. C. Vaish: We did not anticipate any disturbance or violence there.

Shri P. Ramamurti: I am not saying that you did not anticipate disturbance. When you decided not to arrest these people, did you decide on that day that these demonstrations could continue as if there was no Sec. 144 order? And they could remain there. You let them go on shouting to their heart's content. What had you decided then?

Shri S. C. Vaish: If the demonstrators continue to shout slogans near the Parliament House (Irwin Statue) we let it continue.

Shri P. Ramamurti: Then, where was the need for the police trucks being sent there? 180 people were there. Obviously the police trucks must have sufficient capacity to accommodate those 180 people. They could not have been put in one truck. Sufficient trucks must have been there to accommodate these 180 people. When you have decided not to arrest these people, where was the need for the police vans to be sent there?

Shri S. C. Vaish: We did not anticipate any disturbance or violence there.

Shri P. Ramamurti: When you did not anticipate any disturbance or violence, why did you send those trucks? When you were not going to make any arrest and obviously when you needed the trucks for duty in other places, why did you send sufficient number of trucks in order to accommodate these 180 people together with the police escorts? Where was the need for you to send these trucks?

Shri S. C. Vaish: We were prepared....

Shri P. Ramamurti: Prepared for what?

Shri S. C. Vaish: We did not anticipate any trouble. And we were prepared to keep the situation within our control.

Shri P. Ramamurti: You were allowing them to go on shouting to their heart's content. There is something in this. Your statement,

on the face of it, does not seem to be a straightforward statement. Excuse me to say this.

Shri S. C. Vaish: If in a peaceful demonstration they tried to force their entry into the Parliament House gate, we would then take them into custody. There have been one or two instances. In my time, when I was posted here for three or four years, peaceful demonstrators had tried to break the line and tried to enter beyond that iron gate. We have always arrested such demonstrators. If these 180 people, apart from shouting slogans at the traffic island had advanced towards that iron gate and put in any pressure upon us, we would have arrested them.

Shri P. Ramamurti: Had you any policemen posted there?

Shri Vaish: I do not know, Sir.

Shri H. H. Manabendra Shah: I understand that you were in overall charge of the Parliament House.

Shri S. C. Vaish: I was A.D.M. (South District).

H. H. Manabendra Shah: You should have posted some official at that time in Parliament House.

Shri S. C. Vaish: There was no official posted at that time.

H. H. Manabenra Shah: You must have put in somebody in charge.

Shri S. C. Vaish: There was a magisterial officer at Regal Park and not at the Parliament House gate at that time.

(The witness then withdrew)

Evidence of Sub-Inspector Hari Bhushan

(Shri Hari Bhushan, Sub-Inspector was called in)

Shri Hari Bhushan: I, Hari Bhushan, do swear in the name of God that the evidence which I shall give in this case shall be true, that I will conceal nothing and that no part of my evidence shall be false.

Mr. Chairman: Will you be able to express yourself in English?

श्री हरिभूषण : मैं हिन्दी में बोल सकूंगा ।

सभापति महोदय : 5 अप्रैल को पार्लियामेन्ट हाउस के सामने काऊ स्लाटर बन्द करने के लिये स्वामी जी और कई दूसरे सत्याग्रही जब सत्याग्रह आफ़र कर रहे थे और उन को पुलिस वैन में चढ़ा कर पुलिस स्टेशन ले जाया गया उस दिन आप वहां पर थे ?

श्री हरि भूषण : जी हां, मैं था ।

सभापति महोदय : क्या घटना हुई थी ?

श्री हरि भूषण : सुबह 9 बजे से मेरे साथ एक हैड कांस्टबल और 15 कांस्टेबल की ड्यूटी अक्सर यहां लगाई जाती है । आप यह समझिये कि यह ड्यूटी सुबह से ले कर शाम तक होती है । थाने के दो आदमियों की ड्यूटी लगाई जाती है । मेरी और ए०एस०आई० श्याम लाल दोनों की ड्यूटी थी उस दिन । धीरे धीरे स्वामी जी के साथ कुछ आदमी इस चैमरी में इकट्ठे होने लगे । 2 से 3 बजे के बीच में कोई 150 से 200 आदमी इकट्ठे हो गये । 3 या सवा 3 बजे के करीब स्वामी जी उठे और उन्होंने अपने आदमियों को कुछ इंस्ट्रक्शन्स दिये । उसके बाद उन्होंने एक आध नारे लगाये । हम लोग गेट के पास बैठ थे । गेट के पास मेरी ड्यूटी थी, मेरी ड्यूटी यह थी कि हम भीतर किसी को न घुसने दें । इसके बाद नारे लगाने के लिये स्वामी जी ने इशारा किया। स्वामी जी सबसे पहले आदमी थे जो जेल वैन में चढ़ गये। उसके बाद श्यामलाल ने उनसे काफी रिक्वेस्ट की कि आप लोग उतर जाइये, आप इस में मत जाइये । उस के बाद स्वामी जी कहने लगे कि मैं थाने ही चलूंगा, मैं अरेस्ट हूं । इसके बाद श्याम लाल ने कहा कि मैं आफिसर्स को इतला दे देता हूं रीगल पार्क में जाकर जहां कलकत्ता के बारे में मीटिंग हो रही थी । इसके बाद श्यामलाल चले गये मैं वहां ही रहा । मैंने स्वामी जी से कहा कि आप उतर आइये क्योंकि हमने आप को न अरेस्ट किया है न वार्निंग दी है । स्वामीजी कहने लगे कि मैं नहीं जाऊंगा । पार्लियामेंट स्ट्रीट के जो एस०एच०ओ० छाबड़ा हैं उन्होंने कहा कि इस वक्त रीगल पार्क में दो गाड़ियों की जरूरत है क्योंकि वहां झगड़ा होने का अन्देशा है और दो गाड़ियां फौरन भिजवा दी जायें । अब स्वामी जी और उनके आदमियों से मैंने भी रिक्वेस्ट किया कि वह उतर आयें । डी०एस०पी० तिवारी साहब के, जो इलाके में थे, कहने के बाद वह लोग उतरे । स्वामीजी जेल वैन से और दूसरे लोग ट्रक से । दो गाड़ियां भिजवा दी गईं । उस समय सवा तीन या साढ़े तीन बजे होंगे । जब तक स्वामीजी गाड़ी में थे तब तक कोई आधे, पौने घंटे तक गाड़ियां खड़ी रहीं । मैं उन से रिक्वेस्ट करता रहा कि वह उतर आयें लेकिन उन्होंने नहीं माना । जब डी०एस०पी० तिवारी साहब ने उन से कहा तब स्वामी जी और उन के साथी नीचे उतर आये और साथ की गाड़ियों में चले गये जो वहां खड़ी थीं । उस के बाद एक टैक्सी को जो रेड क्रास रोड से जा रही थी, किसी ने रोका । स्वामी जी उस पर बैठ गये । जिस वक्त टैक्सी चली उस वक्त स्वामी जी ने हैड कांस्टेबल मोहम्मद इसाक से कहा कि मुझे एक कांस्टेबल दे दो, लेकिन उस ने इन्कार कर दिया क्योंकि स्वामी जी गिरफ्तार नहीं थे लेकिन स्वामी जी ने फिर कहा तो उस ने एक कांस्टेबल दे दिया । उस कांस्टेबल ने आ कर यह रिपोर्ट दी कि स्वामी जी कह रहे थे कि टैक्सी थाने की तरफ बढ़ा दी जाये । जब टैक्सी थाने की तरफ बढ़ने लगी तो सिपाही ने पूछा कि टैक्सी थाने क्यों जा रही है । उस ने आल इंडिया रेडियो के पास टैक्सी रुकवाई और उस को छोड़ कर मेरे पास पैदल आ गया । जब श्याम लाल साहब को जो रीगल पार्क चले गये थे मालूम हुआ कि स्वामी जी यहां से चले गये हैं तो वह वहां से चले गये । उस दिन मैं करीब 7 बजे तक पार्लियामेन्ट हाउस पर ड्यटी पर रहा ।

सभापति महोदय : टैक्सी स्वामी जी ने खुद ली या किसी पुलिस आफिसर ने कर दी ?

श्री हरि भवण : सिपाही वहां मौजूद जरूर था लेकिन टैक्सी साधुओं ने या स्वामी जी ने की । जब स्वामी जी ने कहा कि उन को एक आदमी चाहिए तो पहले तो हैड कांस्टबल मोहम्मद इसाक ने कहा कि मैं सिपाही नहीं दूंगा, लेकिन जब उन्होंने दुबारा कहा कि मुझे जरूरत है तो एक आदमी बिठला दिया गया ।

सभापति महोदय : स्वामी जी के पास पैसे तो कोई रहते नहीं, किराया आपने ही दिया होगा ?

श्री हरि भूषण : किराये के बारे में मुझे नहीं मालूम । न हम ने यह टैक्सी मंगाई ।

श्री मानवेन्द्र शाह : टैक्सी का नम्बर क्या था ?

श्री हरि भूषण : यह मुझ नहीं मालूम ।

सभापति महोदय : टैक्सी थाने में क्यों ले गये ?

श्री हरि भूषण : मुझे कुछ नहीं मालूम कि टैक्सी जा किधर रही थी। सिपाही ने मुझे बतलाया कि स्वामी जी टैक्सी थाने ले जा रहे थे ।

सभापति महोदय : स्वामी जी को क्यों नहीं बतलाया कि वह अन्दर न जायें ? गेट पर आप इसीलिये तो खड़े रहते हैं कि कोई अन्दर न जाये । ऐसा कुछ आप ने उन से कहा ?

श्री हरि भूषण : स्वामी जी गेट के सामने नहीं आये। वह चैमरी के पास पहुंचे, अपने साथियों से कुछ कहा और उस के बाद सारे आदमी चले गये ।

श्री पी० राममूर्ति : उस दिन 9 बजे से आप लोग यहां थे तो पुलिस की गाड़ी कब आई थी ?

श्री हरि भूषण : एक ट्रक थाने का सुबह आता है और वह ट्रक उस दिन सुबह नौ बजे हमारे साथ आया । उस में फोर्स आती है । दूसरा ट्रक और एक जेल वैन करीब एक बजे वहां पर और आ गई । उस में 15–20 कांस्टेबुल आये थे । उन्होंने आ कर मुझे कहा कि यह गाड़ियां हमें यहां खड़ी करनी हैं । उन्होंने कहा कि उन्हें ऐसा करने का हुक्म मिला है क्योंकि आइफैक्स में कुछ झगडे का अंदेशा है और स्टुडेंट्स आ रहे हैं, झगड़ा होने की आशंका है ।

श्री पी० राममूर्ति : एक बजे एक ट्रक और एक जेल वैन भेजी गई और उस के साथ में पुलिस ट्रक भी भेजी गई तो आप को पता है कि यह जेल की गाड़ी को भेजने की क्या जरूरत थी?

श्री हरि भूषण : अक्सर कभी कभी जब ट्रक नहीं मिलत हैं तो जेल की गाड़ियां आ जाती हैं और जो पुलिस फोर्स आता है वह उन्हीं जेल की गाड़ियों में जाता है ।

श्री पी० राममूर्ति : उस दिन सत्याग्रह होगा यह आप को बहुत दिनों से मालूम था और उस के पहले भी यहां पर सत्याग्रह होता था तो उस दिन के वास्ते आप को गिरफ्तार करने

ा न गि फ्तार करने क बारे में कोई हुक्म मिला था क्योंकि आप जानते हैं कि दफ़ा 144 यहां है और जो भी उसको तोड़ता है उस आर्डर को तोड़ता है उसको गिरफ्तार करना आपका फर्ज हो जाता है तो मेरा सवाल है कि उस दिन आप ने क्यों नहीं गिरफ्तार किया ?

श्री हरि भूषण : अगर सत्याग्रही नारे लगाते हुए आयरन गेट के भीतर जांय तो उन्हें हमें गिरफ्तार करना होता है बाक़ी अगर वह शान्ति से नारे लगाते रहें तो हमें गिरफ्तार करने की कोई ज़रूरत नहीं है ।

श्री पी० राममूर्ति : 144 दफ़ा जो लागू है उस में क्या गवर्नमेंट का पुलिस को यह इंस्ट्रक्शन है कि जब आदमी नारे लगाते हुए आयरन गेट के भीतर घुसने की कोशिश करें तभी उन को गिरफ्तार किया जाय ? इस तरह का इंस्ट्रक्शन क्या सिर्फ उस दिन के लिए था या हमेशा के लिए था क्योंकि यह सत्याग्रह और धरना तो बराबर कुछ दिनों से चला आ रहा था ?

श्री हरि भूषण : स्वामी जी और उनके अन्य साथी शांतिपूर्वक बैठे थे और उनसे शांति के भंग होने का ख़तरा नहीं था ।

श्री पी० राममूर्ति : उस के पहले कभी यहां सत्याग्रह हुआ था ?

श्री हरि भूषण : जनाब, उस दिन मैं पहली बार वहां ड्यूटी पर था । मेरे सामने पेश्तर ऐसा कोई नहीं हुआ ।

श्री पी० राममूर्ति : आप ने ऐसा समझा कि जब कोई शख्स इस आयरन गेट के भीतर घुसना चाहता है तभी वह उस सेक्शन 144 को तोड़ता है ?

श्री हरि भूषण : हम को आर्डर ऐसा था कि कोई भी शख्स अगर नारे लगाते हुए गेट के भीतर घुसे तब हमें उसे गिरफ्तार करना है ।

श्री पी० राममूर्ति : हमेशा के लिए ऐसा आर्डर है ?

श्री हरि भूषण : उस दिन यह आर्डर था कि अगर भीड़ नारे लगाते हुए भीतर घुसने की कोशिश करे तब उसे गिरफ्तार करना ।

श्री पी० राममूर्ति : यहां उस वक्त धारा 144 लागू थी जिसके अनुसार अगर 5 शख्स यहां इस कम्पाउंड के अन्दर मिल जांय तो वह उस 144 धारा को तोड़ते हैं यह क्या आप को मालूम है ?

श्री हरि भूषण : उन से ऐसा कोई शांति भंग होने का ख़तरा नहीं था ।

श्री पी० राममूर्ति : एक शख्स अगर भीतर घुसने की कोशिश करे तब फौरन उसे गिरफ्तार किया जाय तो फिर इस सेक्शन 144 की क्या ज़रूरत है ? दूसरे जेल की जो गाड़ी थी वह एक बंद गाड़ी थी तो लोग घुस कैसे गये ? दरवाज़ा उस का किस ने खोला था ?

श्री हरि भूषण : वह गाड़ी बंद नहीं रहती है । जेल की गाड़ी में बड़े बड़े लोहे के सींकचे रहते हैं और वह उनसे ढकी रहती है ।

श्री पी० राममूर्ति : दरवाज़ा जो उस गाड़ी का था उसको क्या यह लोग खुद खोल कर अंदर घुसे ?

श्री हरि भूषण : दरवाज़ा आलरैडी खुला हुआ था । दरवाज़ा उस वैन का ऐसे ही रहता है ।

श्री आनन्द नारायण मुल्ला : यह तो आपने कहा कि तीन, चार रोज़ पहले से स्वामी जी वहां धरना दिये बैठे थे तो क्या आप के ज़हन में कोई बात है कि स्वामी जी ने उस रोज़ से पहले आप की गाड़ी में क़दम नहीं रखा था और उस रोज़ उन्होंने क़दम रख दिया अपने साथियों के साथ, तो उस की क्या कोई वजह आप बतला सकते हैं ?

श्री हरि भूषण : जैसा कि पहले जो सब इंस्पैक्टर्स ड्यूटी पर आते रहे हैं उन्होंने बतलाया कि वहां पहले इतना बड़ा मजमा कभी नहीं हुआ है ।

श्री आनन्द नारायण मुल्ला : यह इस तरह से सवाल को इवेड करना मुनासिब नहीं है । या तो आप वजह बतलाइये वरना कह दीजिये कि मैं नहीं बतला सकता । आप के ज़हन में कोई वजह ऐसी हो सकती है कि उस दिन क्या समाई स्वामी जी के दिल में कि वह गाड़ी में जा बैठे क्योंकि और दिन भी तो गाड़ियां वहां पर खड़ी रहती थीं और वह उन में नहीं बैठे और उस दिन वह जा कर बैठ गये ?

श्री हरि भवण : उस दिन शायद उनका ऐसा प्रोग्राम रहा हो कि वह जाकर बैठ जांय ।

श्री आनन्द नारायण मुल्ला : उन्हें और दिन पकड़ने की वजह नहीं थी । उस दिन 144 तोड़ कर जलूस बना कर वह लोग आगे बढ़े इस वास्ते उन को गिरफ्तार किया । उस दिन नारे लगा कर और लोगों को साथ लेकर आगे बढ़े तो गोया जो लोग कानून तोड़ रहे थे वह और दिन तो खाली बैठे रहते थे उस रोज जलूस बना कर आगे बढ़े और इस वजह से क्या यह ग़लत होगा चूंकि जलूस बना कर आगे बढ़े इस वास्ते उन को गिरफ्तार किया गया ?

श्री हरि भूषण : गिरफ्तार तो उनको किया गया ही नहीं ।

श्री आनन्द नारायण मुल्ला : मैं कहता हूं आप इंकार कीजिये कि एसा नहीं हुआ ।

श्री हरि भूषण : गिरफ्तार नहीं किया गया था ।

श्री आनन्द नारायण मुल्ला : दूसरी बात एक बतलाइये कि जेल वैन जो होती है वह इस एहतियात के लिए लाई जाती है कि अगर किसी को जेल ले जाने की ज़रूरत पड़े तो सवारी मौजूद है या यह कि खाली मुलज़िमों को थाने ले जाने के लिए यह जेल वैन मंगाई जाती है ?

श्री हरि भूषण : जेल वैन अक्सर सिपाहियों को ले जाने और इंतज़ाम करने के वास्ते बुलाई जाती हैं ।

श्री आनन्द नारायण मुल्ला : अब अगर यह कहा जाय कि वहां पेश्तर इसके कि स्वामी जी और उन के साथी उन गाड़ियों पर जो आप वहां लाये थे बैठे, आप ने जब वह आगे बढ़े पुलिस

वालों ने यह कहा कि आप लोगों ने क़ानून तोड़ा है अब आप गाड़ियों पर बैठिये, ऐसी बात कही गई या नहीं ?

श्री हरि भूषण : ऐसी कोई बात नहीं कही गई ।

श्री आनन्द नारायण मुल्ला : अगर कहा जाय कि यह झूठ है ? क्या ऐसी पुलिस वालों की तरफ़ से बात नहीं हुई जो स्वामी जी को कहा गया हो कि आप गिरफ्तार किये गये हैं । आप ने कानून तोड़ा है अब आप गाड़ी में बैठ जाइये ।

श्री हरि भूषण : नहीं साहब किसी ने कुछ नहीं कहा ।

श्री आनन्द नारायण मुल्ला : इससे पेश्तर भी जब गिरफ्तारियां हुआ करती हैं तो यहां पर लोग यूं ही जलूस बना कर आते हैं और दरवाज़ पर जब वह आ जाते हैं तो पुलिस उन से कहती है कि आप ने क़ानून तोड़ा है अब आप बैठिये । उन को वार्निंग दी जाती है पहले ।

श्री हरि भूषण : जी, हां । उन को पहले बतलाते हैं कि कानून तोड़ रहे हैं आप इस वक्त और इसलिए गिरफ्तार किया जाता ह ।

श्री आनन्द नारायण मुल्ला : कानून तोड़ने की वही हरकत उस दिन भी उन लोगों ने की लेकिन उस दिन आप ने उन्हें वार्निंग नहीं दी ?

श्री हरि भूषण : उस दिन वार्निंग नहीं दी ।

श्री आनन्द नारायण मुल्ला : अगर उस सूरत में आप लोगों को गिरफ्तार किया करते थे तो उस दिन गिरफ्तार न करने की क्या वजह थी ? उस दिन यह बात क्यों नहीं हुई ?

श्री हरि भूषण : उस दिन यह बात थी कि स्वामी जी और उनके अन्य साथी नारे वगैरह लगा कर शांत हो चुके थे और उन से शांति भंग होने का खतरा नहीं था । न तो किसी अफसर ने स्वामी जी से कहा कि आप गिरफ्तार हैं और न किसी उन के साथी से ऐसा कहा और न ही यह कहा कि आप गाड़ी पर बैठ जांय । लेकिन स्वामी जी सबसे आगे थे और वह जो जेल वैन तालकटोरा रोड के साथ लगी हुई थी उस में जा बैठे और भी उन के साथ जितने आदमी आ सकते थे वह भी जा बैठे बाक़ी दूसरी ट्रक में चढ़ गये और कुछ आदमी नीचे खड़े रहे । ऐसा उन से किसी ने नहीं कहा कि आप गिरफ्तार हैं ।

श्री आनन्द नारायण मुल्ला : मैं स्वामी जी को नहीं पूछता मैं आम बात कहता हूं । क्या मैं यह समझूं कि इस से पहले जो गिरफ्तारियां वहां पर की गई हैं वह पीसफुल डिमांस्ट्रेटर्स की नहीं की गई हैं वह हमेशा जब वाएलेंट डिमांस्ट्रेशंस किये गये हैं तभी की गई हैं ?

श्री हरि भूषण : जब आदमियों ने नारे लगाते हुए पार्लियामेंट हाउस की तरफ आयरन गेट से होकर आगे बढ़ने की कोशिश की है तो गिरफ्तारियां की गयी हैं ।

श्री आनन्द नारायण मुल्ला : अगर पीसफुल डिमांस्ट्रटर्स की गिरफ्तारियां की गई हैं तब आप ने कैसे मान लिया कि उस रोज पीसफुल डिमांस्ट्रेटर्स की गिरफ्तारियां नहीं की जायेंगी ?

श्री हरि भूषण : मैंने अर्ज किया कि जब कोई आदमी आता है, दूर बैठता है पीसफुली नारा लगाता है, तो गिरफ्तारियां नहीं होतीं ।

श्री आनन्द नारायण मुल्ला : आप कहते हैं कि पीसफुल डिमांस्ट्रेशन्स में गिरफ्तारियां नहीं होतीं ?

श्री हरि भूषण : उस के बाद होती हैं जब वह भीतर घुसने की कोशिश करने लगते हैं । जो हमारे आदमी आते हैं उन्हें हम गेट पर लगाते हैं । जब कोई धक्का मुक्की कर के अन्दर जाने की कोशिश करता है उस वक्त उस को रोका जाता है, उस से पेश्तर नहीं ।

श्री आनन्द नारायण मुल्ला : जिस वक्त यह गिरफ्तारियां हुईं उस वक्त श्याम लाल वहां मौजूद थे या नहीं ?

श्री हरि भूषण : जिस वक्त वह आदमी और स्वामी जी ट्रक में चले गये तो श्याम लाल ने उन से रिक्वेस्ट की कि आप को अरेस्ट नहीं किया गया है, आप गाड़ी से उतरकर उसे खाली छोड़ दीजिये । जब वह गाड़ी से नहीं उतरे तो उन्होंने मुझ से कहा कि मैं अफसरों से कहने के लिये जाता हूं कि यह हालत हो गई है, फिर आता हूं । जब वह वहां से चले गये तो बराबर रिक्वेस्ट करता रहा कि आप अरेस्ट नहीं हैं । यह 3 या साढ़े 3 बजे के करीब की बात है । साढ़े 4 बजे से पहले गाड़ियां नहीं चलीं । लेकिन जब श्री श्याम लाल आये तब गाड़ियां वहां नहीं थीं ।

श्री आनन्द नारायण मुल्ला : आप यह कहते हैं कि श्याम लाल यह कह कर गये कि वह अपने ऊंचे अफसरों से यह कहने के लिये गये कि यह लोग गाड़ी में बैठे हैं और गाड़ियां और जगह मंगाई जा रही हैं । जिस वक्त यह गाड़ियां मांगी गईं, उसका कोई रेकार्ड भी है या यों ही आप लोग यह काम जबानी करते हैं ?

श्री हरि भूषण : रेकार्ड कोई नहीं है । बयान ही है ।

श्री आनन्द नारायण मुल्ला : जिस वक्त यह ओरल स्टेट्मैंट मिला कि गाड़ियां और कहीं मंगाई जा रही हैं, आप ने कोई टेलिफोन किया किसी अफसर को कि यह हालत हो गई है, क्या करें ?

श्री हरि भूषण : जब कांस्टेबल मेरे पास आया और कहा कि रीगल पार्क के पास जरूरत है, गाड़ियां फौरन भेज दी जायें, तो मैं ने स्वामी जी से रिक्वेस्ट किया । लेकिन जब उन्होंने नहीं माना और कहा कि हम थाने चलेंगे, तब वहां से गाड़ियां चलीं ।

श्री आनन्द नारायण मुल्ला : जब यह गाड़ियां रीगल पार्क में मंगाई गई और आप ने यह समझा कि रिक्वेस्ट करने के बाद भी वह लोग उतर नहीं रहे हैं इसलिये आप ने यह आर्डर दिया कि उन्हें थाने पहुंचा दो उस के बाद गाड़ियां ले आओ ?

श्री हरि भूषण : जब एस० पी० साहब का हुक्म आया कि उन गाड़ियों को रीगल पार्क पहुंचा दिया जाये . . .

श्री आनन्द नारायण मुल्ला : मैं पूछना चाहता हूं कि क्या आप ने गाड़ियों को रीगल पार्क भेजने का यह तरीका मुनासिब समझा कि उन्हें थाने पहुंचा दिया जाये ?

श्री हरि भूषण : गाड़ियां थाने नहीं भिजवाई गई । पहले श्याम लाल चल चुके थे यह बतलाने के लिए कि सिचुएशन ऐसी है . . .

श्री आनन्द नारायण मुल्ला : आप गुफ्तगू इतनी करते हैं लेकिन जवाब नहीं मिलता है । जो गाड़ियां वहां से गईं जिन में यह लोग थाने पहुंचे, क्या आपने उन के लिये कोई इंस्ट्रक्शन्स दिये थे कि गाड़ियों को रीगल पार्क ले जायें तो उन लोगों को कहां छोड़ें ?

श्री हरि भूषण : मैंने पहले उनसे कहा कि गाड़ियां ले जाओ, डी०एस०पी० साहब मौजूद थे, उन्होंने कहा कि गाड़ियां मूव कर लो ।

श्री आनन्द नारायण मुल्ला : आपका कहना है कि हुक्म था कि गाड़ियां ले जाओ । तो क्या यह ड्राइवर का काम था या जो लोग बैठे थे उनका काम था कि गाड़ियां थाने पहुंचाई गई ?

श्री हरि भूषण : डी०एस०पी० साहब वहां थे, मैं था . . .

श्री आनन्द नारायण मुल्ला : यह किसकी जिम्मेदारी थी कि यह गाड़ियां थाने होते हुए रीगल पार्क गईं ?

श्री हरि भूषण : ऊपर के अफसर का हुक्म था ।

श्री आनन्द नारायण मुल्ला : आर्डर ऊपर के अफसर का था, किस मुश्किल से आपने यह बयान किया है । डी०एस०पी० साहब वहां मौजूद थे या आपने ऊपर से कंटैक्ट किया ?

श्री हरि भूषण : आदमी आया ।

श्री आनन्द नारायण मुल्ला : आदमी चल कर कैसे आ गया ? आपने टेलीफोन किया होगा ?

श्री हरि भूषण : टेलीफोन नहीं किया ।

श्री आनन्द नारायण मुल्ला : तो बीच में कैसे आदमी आ गया ? क्या डी०एस०पी० इस रिक्वेस्ट को सुन रहे थे कि रीगल पार्क में गाड़ियों की जरूरत है और वहां उनको भेजना चाहिये ? क्या उनको इसका इलाहम हो गया कि गाड़ियों को भेजा जाये ?

श्री हरि भूषण : यह चक्कर चल रहा था कि रीगल पार्क में कलकत्ते के बारे एक मीटिंग होने वाली है ।

श्री आनन्द नारायण मुल्ला : आप मेरे सवाल का जवाब दीजिये ।

श्री हरि भूषण : आप मेरी अर्ज तो सुनिये ।

श्री आनन्द नारायण मुल्ला : देखिये, मैं अपनी बात का जवाब चाहता हूं । जिस वक्त यह गाड़ियां उन लोगों को थाने में छोड़ कर रीगल पाक गई हैं, आप कहते हैं कि एस०एच०ओ० डी०एस०पी० मौजूद थे । आप कोई वजह बतला सकते हैं कि किस तरह से मालूम हुआ एस० पी० और डी०एस०पी० को कि यहां यह लोग बैठ हुए हैं ये दिक्कत है और यह गाड़ियां मंगाई जा रही हैं ?

श्री हरि भूषण : श्याम लाल पहले चले गये थे और सारे हालात बयान कर दिये थे ।

श्री आनन्द नारायण मुल्ला : श्याम लाल ने जो हालात उस वक्त देखे थे, यानी यह कि यह लोग बैठे हुए हैं और रीगल पार्क में गाड़ियों की जरूरत है वही तो जानते थे। सिपाही आया, यह तो श्याम लाल नहीं जानते थे, यह उन्हें कैसे मालूम हो गया ?

श्री हरि भूषण : कौनसा सिपाही आया ?

श्री आनन्द नारायण मुल्ला : आपने कहा कि सिपाही एस०पी० ने भेजा था कि गाड़ियां ले आओ ?

श्री हरि भूषण : जब यह कहा गया कि गाड़ियां मूव कर दो, उनको मूव किया गया और भेज दिया गया ।

श्री आनन्द नारायण मुल्ला : किधर मूव किया गया है ?

श्री हरि भूषण : रीगल पार्क की तरफ ।

श्री आनन्द नारायण मुल्ला : फिर इसकी जिम्मेदारी किस पर है कि थाने पर जाकर इन लोगों को उतारा गया यह सोच कर कि यह लोग खुद चले जायेंगे थाने को छोड़कर ?

श्री हरि भूषण : मैंने ड्राइवर से कहा कि वह गाड़ियों को रीगल पार्क ले जाये ।

श्री आनन्द नारायण मुल्ला : तो आप यह नहीं बतला सकते कि किसके हुक्म से गाड़ियां थाने पर ले जाई गईं ?

श्री हरि भवण : मुझे नहीं मालूम ।

श्री बलराज मधोक : आप पुलिस में कबसे हैं ?

श्री हरि भूषण : कोई दो साल हो गये ।

श्री बलराज मधोक : किस किस थाने में रहे ?

श्री हरि भूषण : मेरा ट्रेनिंग पीरियड चल रहा है । मेरी पहली पोस्टिंग पार्लियामेन्ट स्ट्रीट थाने में हुई ।

श्री बलराज मधोक : यह पोस्टिंग कब हुई ?

श्री हरि भूषण : अक्तूबर में हुई ।

श्री बलराज मधोक : पार्लियामेंट हाउस में कब-कब ड्यूटी थी ?

श्री हरि भूषण : इस में एक आध बार पहले भी आ चुका हूं । यह तीसरा या चौथा चान्स है ।

श्री बलराज मधोक : क्या इसी प्रकार गवाही तैयार की जाती है यह भी आप को बतलाया गया है ?

श्री हरि भूषण : गवाही में जो असलियत है मैं वही बतला रहा हूं ।

श्री बलराज मधोक : जब आप यहां आये हैं तो क्या आपको पता है कि पार्लियामेन्ट के और थाने के बाहर लोगों को आ कर नारे लगाने का और डिमांस्ट्रेशन करने का अधिकार है ? आखिर यह लोकतंत्री देश है; इस के अन्दर लोग आ कर आवाज उठाते ही हैं; रोज यह होता रहता है ।

श्री हरि भूषण : इस सम्बन्ध में भी मुझे मालूम था कि स्वामी जी वहां हैं और उन का धरना लगा हुआ है ।

श्री बलराज मधोक : जब ऐसा होता है तो क्या उस समय पुलिस की गाड़ियां पुलिस को ले कर आती हैं ?

श्री हरि भूषण : सिर्फ पन्द्रह सिपाही ड्यूटी पर आते हैं उन्हें छोड़ने के लिये गाड़ी आती है और एक गाड़ी खड़ी रहती है ।

श्री बलराज मधोक : रोज ऐसा होता है ?

श्री हरि भूषण : जी हां ।

श्री बलराज मधोक : आप ने कहा कि रीगल पार्क में ट्रक की जरूरत थी; रीगल पार्क में मीटिंग का अनाउंसमेंट किस समय का था ?

श्री हरि भूषण : यह मुझे नहीं मालूम; जब डिमान्ड आई, मैंने ट्रक भिजवा दिया; मीटिंग के बारे में मुझे नहीं मालूम कि किस वक्त थी ।

श्री बलराज मधोक : आप ने कहा कि ए०आइ०एफ०ए० एक्स० हाल में शो होने वाला था; वह किस वक्त था ?

श्री हरि भूषण : उसके बारे में हमें सिर्फ यह मालूम था कि कोई मीटिंग का मामला है और स्टूडेन्ट्स के पथराव करने का अन्देशा है । शो के बारे में मुझे नहीं मालूम कि किस वक्त होने वाला था ।

श्री बलराज मधोक : आप ने चीफ सैक्रेटरी की रिपोर्ट देखी है उसमें आप की भी गवाही है । उन्होंने पूरी जिम्मेदारी के साथ रिपोर्ट दी है । उस में उन्होंने कहा है कि पुलिस ने जो सत्याग्रही थे उनसे अर्ज किया—शब्द अर्ज लिखा गया है—कि आप वैन में बैठ जाइये, और उनके बैठ जाने के बाद स्वामी जी से कहा गया चूंकि वह पार्लियामेंन्ट के मेम्बर थे इसलिये उनको परसुएड किया गया, कि वह वहां से उतर आयें और टैक्सी में बैठें और टैक्सी में उनके साथ दो कांस्टेबल बैठ जायें । अब आपका कहना है कि वह अपने आप बैठ गये और चीफ सेक्रटरी का कहना है कि उनसे कहा गया बैठने के लिये, तो इनम से सच कौन है और झूठ कौन है ?

श्री हरि भवन : जो कुछ मैं ने मौके पर देखा वह सच था और वही मैंने आपको बतलाया है । ऐसी कोई वहां पर रिक्वैस्ट नहीं की गई । कोई प्रार्थना नहीं की गई ।

श्री जे० एम० इमाम : जब स्वामी जी वैन से उतरे तो उनको आपने कहा कि स्वामी जी आप आज़ाद हैं जिधर जाना चाहें आप जा सकते हैं।

श्री हरि भूषण : स्वामी जी से मैंने यह कहा कि आप उतर आइये आपको हम ने गिरफ़्तार नहीं किया है। स्वामी जी काफ़ी देर तक उतरे नहीं और जब उतरे तो हमने पुनः कहा कि आप आज़ाद हैं जिधर भी जाना चाह जा सकते हैं ?

श्री जे० एम० इमाम : टैक्सी मंगा कर उनको थाने भेजने की क्या जरूरत थी ?

श्री हरि भूषण : थाने में उन्हें नहीं भेजा गया।

श्री जे० एम० इमाम : फिर टैक्सी कहां भेजी गयी ?

श्री हरि भूषण : टैक्सी स्वामी जी ने अपनी मरज़ी से रूकवाई। स्वामी जी के किसी आदमी ने उधर से गुज़रती हुई टैक्सी रोक ली जिस पर स्वामी जी बैठ गये और हैड कांस्टेबुल को कहा कि उन के साथ एक पुलिस मैन दे दे। पहले तो वह सिपाही देने पर राज़ी न हुआ क्योंकि स्वामी जी गिरफ़्तार नहीं थे परन्तु स्वामी जी के दोबारा कहने पर कि मुझे ज़रूरत है सिपाही दो, उसने एक सिपाही स्वामी जी के साथ कर दिया जो उनके साथ टैक्सी में बैठ गया और टैक्सी वहां से चली गई।

श्री जे० एम० इमाम : क्या आप ने उस टैक्सी वाले को थाने ले जाने के लिए कहा था ?

श्री हरि भूषण: मैं वहां गेट पर था। टैक्सी के पास हैड कांस्टेबुल मोहम्मद इसाक़ थे और जैसा मैंने अभी बतलाया स्वामी जी के दोबारा अनुरोध पर एक कांस्टेबुल स्वामी जी के साथ कर दिया गया और वह उनके साथ टैक्सी में बैठ गया और उसके बाद स्वामी जी वहां चले गए।

श्री जे० एम० इमाम : कांस्टेबुल को किधर लेकर जाना है थाने जाना है या कहां ले जाना है इस बारे में कुछ कहा था ?

श्री हरि भूषण : ऐसी कोई इत्तला नहीं दी थी। वह तो स्वामी जी के दो बार कहने से एक कांस्टेबुल उन के साथ बैठा दिया गया था। थोड़ी देर बाद वह सिपाही पैदल वापस आ गया और बतलाया कि स्वामी जी टैक्सी को थाने की तरफ ले जा रहे हैं।

श्री जे० एम० इमाम : आप के कहने से वह टैक्सी में बैठे थे ?

श्री हरि भूषण : ऐसा कुछ नहीं कहा गया था कि हम टैक्सी देंगे। वह तो एक टैक्सी उधर से गुजरी जो स्वामी जी के किसी आदमी ने रोक ली जिस पर कि स्वामी जी बैठ गये।

श्री पी० रामामूर्ति : जब स्वामी जी ने कांस्टेबुल मांगा तो क्या आपने पूछा कि उन्हें कांस्टेबुल क्यों चाहिए और वह कहां जाने वाले हैं।

श्री हरि भूषण : जब स्वामी जी उतर आए उसके बाद मैं अपनी ड्यूटी पर वापस गेट पर आ गया। हैड कांस्टबुल मोहम्मद इसाक़ जो वहीं पर खड़ा था उसी को स्वामी जी ने एक कांस्टबुल देने को कहा। पहले तो वह सिपाही देने पर राज़ी न हुआ क्योंकि स्वामी जी गिरफ़तार नहीं थे परन्तु स्वामी जी के दौबारा कहने पर उसने एक सिपाही स्वामी जी के साथ कर दिया। उसके बाद मुहम्मद इसाक़ मेरे पास आ गया। थोड़ी देर बाद वह सिपाही पैदल वापस आ गया और बतलाया कि स्वामी जी ने टैक्सी को थाने चलने के लिए कहा था और चूंकि वह स्वामी जी को थाने ले जाने पर राज़ी न हुआ और स्वामी जी थाने जाने पर क़ायम थे इसलिए वह आल इंडिया रेडियो के पास से टैक्सी से उतर कर वापस चला आया।

श्री पी० रामामूर्ति : स्वामी जी ने कांस्टेबुल मांगा और उनको सिपाही दे दिया गया तो अगर मैं भी कांस्टेबुल मांगू तो मुझे भी आप कांस्टेबुल दे दीजियेगा ?

श्री हरि भूषण : अगर मैं मौके पर होता तो मैं ने जरूर कांस्टेबुल देने से मना कर दिया होता। यह तो हैड कांस्टेबुल मोके पर था। स्वामी जी ने उससे एक पुलिस का सिपाही मांगा और जब उसने इंकार किया तो उस पर स्वामी जी नाराज़ होने लगे और कहा कि मुझे कांस्टेबुल की ज़रूरत है, मुझे एक कांस्टेबुल दो, उसने स्वामी जी को एक कांस्टेबुल दे दिया। मैं ने देने से मना कर दिया होता।

(श्री हरि भूषण की गवाही समाप्त)

(The witness then withdrew.)

Evidence of Sub-Inspector Sham Lal

(सब-इंस्पेक्टर श्याम लाल को शपथ दिलाई गई)

सभापति महोदय : आप 5 अप्रैल को पार्लियामेंट के सामने खड़े थे ?

श्री श्याम लाल : जी हां।

सभापति महोदय : वहां स्वामी ब्रह्मानन्द और उनके कई साथी भी मौजूद थे ?

श्री श्याम लाल: स्वामी ब्रह्मानन्द वहां मौजूद थे। मेरे आने के बाद आहिस्ता-आहिस्ता उनके पास लोग इकट्ठे होते रहे।

सभापति महोदय : कितने आदमी थे ?

श्री श्याम लाल : 3 सवा 3 बजे तक करीब डेढ़ या दो सौ वह लोग हो गये।

सभापति महोदय : आप कितने समय तक वहां रहे?

श्री श्याम लाल : मैं करीब 11 बजे के वहां पहुंचा।

सभापति महोदय : 11 बजे से कब तक वहां खड़े थे ?

श्री श्याम लाल : करीब साढ़े चार बजे तक।

सभापति महोदय : वहां पर जो लोग आये थे वह सब गोहत्या बन्दी के लिये आये थे, यह आपको मालूम है ।

श्री श्याम लाल : वह वहां बैठे थे, उन्होंने कोई ऐसा खास नारा नहीं लगाया था ।

सभापति महोदय : तो वह शांतिपूर्वक बैठे थे ? फिर क्या हुआ ?

श्री श्याम लाल : कोई साढ़े तीन बजे के करीब या उससे थोड़ी देर बाद तक वह लोग वहां बैठे थे । स्वामी ब्रह्मानन्द पुलिस की खड़ी गाड़ी में चढ़ गये और उनके साथ जो आदमी थे उन्होंने पुलिस की गाड़ी में चढ़ना शुरू किया ।

सभापति महोदय : आपने उनको मना किया ?

श्री श्याम लाल : मैंने उनसे कहा कि आप गाड़ी पर मत चढ़ें, आपको न किसी किस्म से गिरफ्तार किया है और न गिरफ्तार कर रहे हैं । लेकिन उन्होंने नहीं माना और चढ़ गये । उनके साथ के आदमी भी चढ़ गये ।

सभापति महोदय : कितने आदमी चढ़े ?

श्री श्याम लाल : उस वक्त दो गाड़ियां भरी हुई थीं । मैंने उनकी काफी मिन्नत समाजत की उसके बाद जब वह नहीं उतरे और कहना नहीं माना तो चूंकि हिदायत थी अफसरों की कि उनको गिरफ्तार नहीं किया जायेगा, इसलिये मैं अफसरों से हिदायत लेने के लिये रीगल पार्क पहुंचा ।

सभापति महोदय : आप साढ़े चार बजे तक वहां मौजूद थे और यह घटना 3 बजे के करीब हुई ?

श्री श्याम लाल : वह साढ़े तीन बजे के बाद हुई ।

सभापति महोदय : उसके बाद एक घंटा तक आप वहां मौजूद थे । उस समय वहां क्या-क्या हुआ ?

श्री श्याम लाल : हमें उनसे मिन्नत समाजत करनी पड़ी कि वह उतर जायें, लेकिन उन्होंने मेरी प्रार्थना को नहीं माना । उसके बाद करीब साढ़े चार बजे मैं आफिसरों के पास मजीद हिदायत लेने के लिये गया कि क्या किया जाये । जब मैं रीगल पहुंचा तो सब अफसर वहां मौजूद थे । उन्होंने हिदायत दी कि उनको गिरफ्तार नहीं करना है । अगर किसी किस्म का खतरा नहीं है तो गिरफ्तार करने की कोई जरूरत नहीं है । बहुत से इन्तजामात हैं ।

सभापति महोदय : आफिसर्स से मिलने की क्या जरूरत पड़ी ?

श्री श्याम लाल : पहले तो इन्स्ट्रक्शन्स थीं कि गिरफ्तार नहीं करना है ।

सभापति महोदय : वहां जाकर पूछने की क्या जरूरत थी जब पहले से इंस्ट्रक्शन्स थीं ?

श्री श्याम लाल : पहली इंस्ट्रक्शन्स के बारे में मुझे बतलाया गया था।

सभापति महोदय : जब पहले इंस्ट्रक्शन्स थीं तब जाने की क्या जरूरत थी ?

श्री श्याम लाल : मैं एस० पी० और डी० एस० पी० से पूछना चाहता था कि क्या यह वाकई दुरुस्त बात है।

सभापति महोदय : जब आफिसर ने पहले कहा कि गिरफ्तार करने की जरूरत नहीं और आप गिरफ्तार नहीं कर रहे थे तो फिर वैरिफाई करने की क्या जरूरत थी ?

श्री श्याम लाल : इसलिये जरूरत पड़ी कि वह बैठ गये थे और उतर नहीं रहे थे। अगर नहीं उतरते तो क्या किया जाये ?

सभापति महोदय : फिर क्या किया ?

श्री श्याम लाल : जब उन्होंने कहा कि गिरफ्तार नहीं किया जायेगा तो मैं वापस आ गया। हरि भूषण एस० आई० मौजूद थे। जब मैं वहां पहुंचा तो ट्रक नहीं थे और न स्वामी ब्रह्मानन्द थे। वहां पर मुझे मालूम हुआ कि स्वामी ब्रह्मानन्द किसी टैक्सी पर गये हैं। बाकी जो दो ट्रक हैं उनको उन्होंने अरेंजमेंट के लिये मंगाया है, जिनकी रीगल पार्क में जरूरत थी। वहां जगदेव सिंह को भाषण करना था। इसलिये सब लोग वहां मौजूद थे। वहां पर उनको भेजा गया है।

सभापति महोदय : ट्रक पुलिस थाने पर कैसे पहुंचे ? सीधे रीगल पार्क नहीं गये यह कैसे हुआ जबकि आप ने रीगल पार्क जाने के लिये कहा था ?

श्री श्याम लाल : वह मेरे पहुंचने से पहले चली गई थी।

सभापति महोदय : क्या आप को मालूम हुआ कि वह पुलिस स्टेशन गई, रीगल पार्क नहीं ?

श्री श्याम लाल : जब मैं हरि भूषण से मिला तब उन्होंने मझे बतलाया। उन्होंने कहा कि चूंकि ट्रक जाने थे और उस में जो आदमी भरे हुए थे वह उतरने के लिये तैयार नहीं थे इसलिये ड्राइवर को कहा कि वहां से ले जाये। जब उतर जायें तो फिर आगे ले जाये।

सभापति महोदय : उन्होंने कहा कि ट्रक थाने की ओर ले जायें ?

श्री श्याम लाल : जी हां, वहां से ले जायें और जहां वह उतर जाते हैं वहां से आगे चला जाये।

सभापति महोदय : आप को कुछ और कहना है इस घटना के बारे में ?

श्री श्याम लाल : कोई अरैस्ट नहीं हुआ और न कोई और बात हुई।

श्री पी० रामामूर्ति : जब आप ने कहा कि स्वामी ब्रह्मानन्द ने कोई नारा नहीं लगाया। मैं मानता हूं कि वह बैठ गये, अपने सामान को गाड़ी में रखवाया और वहां से गाड़ी में चले गये।

लेकिन जिसने आप के पहले गवाही दी, यानी हरि भूषण ने कहा था कि स्वामी जी ने नारा लगाया और उस के बाद और साधुओं से कहा कि चलो गाड़ी पर बैठ जाओ। उसके बाद वह बैठे। आप कहते हैं कि उन्होंने कोई नारा नहीं लगाया।

श्री श्याम लाल : मेरे सामने कोई नारा नहीं लगाया।

श्री पी० रामामूर्ति : जिस वक्त स्वामी जी गाड़ी पर बैठे, उस समय क्या आप कहीं और गये हुए थे ?

श्री श्याम लाल : मैं वहीं था।

श्री पी० रामामूर्ति : साढ़े चार बजे आप रीगल पार्क गये आफिसर से पूछने के लिये। जब आप वहां गये तो उन्होंने कहा कि आज उनको गिरफ्तार करने की जरूरत नहीं।

श्री श्याम लाल : उन्होंने कहा कि गिरफ्तार करना ही नहीं है।

श्री पी० रामामूर्ति : आप ने उन से कहा नहीं कि वह गिरफ्तार नहीं हुए हैं लेकिन गाड़ी में बैठे हुए हैं, उन का क्या किया जाये ?

श्री श्याम लाल : वही पूछने तो गया था।

श्री पी० रामामूर्ति : उन्होंने क्या कहा ?

श्री श्याम लाल : उन्होंने कहा कि किसी तरीके से उतार दो।

श्री पी० रामामूर्ति : जब आप वापस आये तब गाड़ी वहां नहीं थी। चूंकि रीगल पार्क में गाड़ी की जरूरत थी इसलिये आप के आने के पहल ही गाड़ी वहां भेज दी गई थी। न आपने पूछा कि किसके हुक्म से गाड़ी वहां भेजी गई, और न किसी ने आपको कुछ बतलाया ?

श्री श्याम लाल : कोई आदमी आया था जिसने कहा था।

श्री पी० रामामूर्ति : कहां से आया था ? रीगल पार्क से ?

श्री श्याम लाल : कहीं से आया होगा।

श्री पी० रामामूर्ति : जब आप रोगल पार्क पहुंचे तब एस० एस० पी० या जो दूसरे आफिसर्स बैठे हुए थे उनमें से किसी ने आपको यह नहीं बतलाया कि हमने पहले आर्डर भेज दिया है कि गाड़ियों को वहां से रीगल पार्क भेज दिया जाये ?

श्री श्याम लाल : उन्होंने यह कहा था कि गाड़ियां यहां भेजो।

श्री पी० रामामूर्ति : मैं सिर्फ इतना पूछना चाहता हूं कि क्या पहले इसला भेज दी गई है गाड़ियों को भेजने के लिये, यह आपको नहीं बतलाया गया ?

श्री श्याम लाल : मैंने उनसे पूछा ही नहीं कि आपने गाड़ियां मंगवाई हैं या नहीं। उन्होंने यही कहा कि गाड़ियां भिजवा देना।

श्री पी० रामामूर्ति : आप ने नहीं पूछा, लेकिन उन्होंने अपने आप नहीं कहा कि हमने इत्तला भेज दी है कि गाड़ियों को भिजवाया जाये ?

श्री श्याम लाल : जी नहीं ।

श्री आनन्द नारायण मुल्ला : यह जिस वक्त लोग गाड़ी पर बैठे हुए थे उनके बैठने से कुछ देर पहले आप को यह मालूम हो गया था कि उन की नीयत गाड़ियों में बैठने की है, यह सही है या नहीं ? आप को उनके बैठने से कुछ देर पहले मालूम हो गया था कि उन की नीयत गाड़ियों में बैठने की है ?

श्री श्याम लाल : जी हां ।

श्री आनन्द नारायण मुल्ला : जब आप की कोई नीयत उन को गिरफ्तार करने की नहीं थी तो कोई वजह बतला सकते हैं कि आप ने वहां से वह गाड़ियां क्यों नहीं हटवा दीं ?

श्री श्याम लाल : उस दिन एक और इंतजाम था ।

श्री आनन्द नारायण मुल्ला : मैंने इंतजाम को नहीं पूछा । यहां पर आप गिरफ्तार करना नहीं चाहते थे और उनके बैठने से पेश्तर आप को यह मालूम हो गया था कि यह लोग गाड़ियों में बैठने वाले हैं तो वह जो आप की नीयत थी उस को पूरा करने के लिए क्या आप को यह मनासिब नहीं मालूम हुआ कि अगर हम गाड़ियां ही यहां से हटवा देते हैं तो यह बैठेंगे किस पर ?

श्री श्याम लाल : वह शांतिपूर्वक थे ।

श्री आनन्द नारायण मुल्ला : आप को यह मालूम हो चुका था कि उनकी नीयत गाड़ियों में बैठने की है तो आप के जहन में यह नहीं आया कि अगर हम गाड़ियां हटा देंगे तो यह बैठेंगे कैसे ? उनकी यह नीयत साफ़ पता चल गई थी कि सारे के सारे गाड़ियों में बैठ जायेंगे और आप की नीयत यह थी कि आप को उन्हें गिरफ्तार नहीं करना था और उसके बरअक्स वह लोग अपने को जबरदस्ती गिरफ्तार करवाना चाहते हैं और गाड़ियों में बैठ जायेंगे तो आप को यह ख्याल क्यों नहीं आया कि यह गाड़ियां हम यहां से और कहीं हटवा दें ताकि जो उन की गिरफ्तार होने और गाड़ियों में बैठने की मंशा है वह डिफ हो सके ?

श्री श्याम लाल : वह तो नहीं हटाई गई ।

श्री आनन्द नारायण मुल्ला : यह ठीक बात आई है । यह गाड़ियां कहां कहां पर जाती हैं, किस किस जगह जाती हैं, यह रेकार्ड होता है या नहीं ?

श्री श्याम लाल : यह तो पता नहीं जो गाड़ी हमें देते हैं उसे हम ले जाते हैं ।

श्री आनन्द नारायण मुल्ला : जो भी गाड़ियां आती हैं बहरहाल वह सरकारी गाड़ियां हैं । आप को कुछ तो इस का इल्म होता होगा कि यह गाड़ियां जहां जहां जाती हैं तो कहीं नोट तो होता होगा कि कहां से कहां यह गाड़ियां गईं ?

श्री श्याम लाल : जरूर नोट होता होगा ।

श्री आनन्द नारायण मुल्ला : अब अगर यह गाड़ियां थाने के बाद रीगल पार्क गई होंगी तो वह इंदराज हुआ होगा ?

श्री श्याम लाल : मैं नहीं कह सकता कि यह इंदराज हुआ है या नहीं ।

श्री आनन्द नारायण मुल्ला : यह गाड़ियां थाने पर लोगों को छोड़ कर रीगल पार्क गई होंगी ?

श्री श्याम लाल : मैं यह नहीं कह सकता ।

श्री आनन्द नारायण मुल्ला : रीगल पार्क में कोई गिरफ्तारियां हुई या नहीं उस रोज ।

श्री श्याम लाल : मैं उस रोज वहां मौजूद नहीं था ।

श्री आनन्द नारायण मुल्ला : आपने यह सुना कि रीगल पार्क में गिरफ्तारियां हुई या नहीं ?

श्री श्याम लाल : सुना था कि गिरफ्तारियां हुई हैं ।

श्री आनन्द नारायण मुल्ला : कै गिरफ्तारियां हुई ?

श्री श्याम लाल : यह मुझे नहीं मालूम कि कितनी गिरफ्तारियां हुई ?

श्री आनन्द नारायण मुल्ला : क्या वहां पर तीन ट्रकों की ट्रक भर कर गिरफ्तारियां हुई या एक ट्रक भर कर गिरफ्तारियां वहां पर हुई ?

श्री श्याम लाल : मैं पहले ही वहां से चला आया था और चूंकि मैं वहां पर मौजूद नहीं था इसलिये मैं इस बारे में नहीं कह सकता ।

श्री आनन्द नारायण मुल्ला : गाड़ियां पहले आपने यहां लाकर खड़ी कर दीं तीन, तीन ट्रक लाकर खड़े कर दिये जिन्हें कि आप इस्तेमाल नहीं करना चाहते थे और जहां इनके इस्तेमाल होने का अन्देशा था वहां ले जाकर नहीं खड़ीं कीं और गाड़ियां यहां ला कर खड़ी कर दीं ।

श्री श्याम लाल : यहां से नजदीक एक और इन्तजाम था । आल इंडिया फाईन आर्टस एंड क्राफ्ट्स सोसाइटी में एक म्युजिकल शो होना था जिसके लिये कि चीटिंग हो गयी और वहां के लिये सुना था कि काफी स्टुडैंट्स आयेंगे और वहां पर पथराव होगा ।

श्री आनन्द नारायण मुल्ला : वह भी मान लें । इसका मतलब यह है कि दूसरे इंतजाम की वजह से यह गाड़ियां यहां लाकर जमा की गई फिर ख्याल आया कि अब यहां पर गाड़ियों की जरूरत नहीं है तो आपने उनको रीगल पार्क भेज दिया चूंकि वहां कुछ नहीं हुआ । रीगल पार्क में उस रोज क्या हुआ ? कितनी गिरफ्तारियां वहां पर हुई ?

श्री श्याम लाल : यह मैं नहीं कह सकता हूं कि क्योंकि मैं वहां पर मौजूद न था ।

श्री आनन्द नारायण मुल्ला : अगर कहा जाये कि एक गिरफ्तारी हुई है तो अगर यह बात सही है तो यह तीन गाड़ियां क्यों भेजी गई ?

श्री शाम लाल : मैं नहीं कह सकता हूं कि एक गिरफ्तारी हुई या दो गिरफ्तारियां हुई क्योंकि मैं वहां पर मौजूद नहीं था ।

श्री बलराज मधोक : यह जो म्युजिकल शो आल इंडिया फाइन आर्टस एंड क्राफ्ट्स में होने वाला था वह तो साढ़े 6 बजे होना था ?

श्री शाम लाल : यह बात जाहिर हो चुकी थी कि चीटिंग की गई है और यह पता चला था कि स्टुडैंट्स वहां पर पथराव करने वाले हैं ।

श्री बलराज मधोक : जिन्होंने इस शो के टिकट खरीदे थे वह कोई वहां पर दोपहर को दो बजे थोड़े ही इकट्ठे हो जाते ?

श्री शाम लाल : यह मालूम हो गया था कि स्टुडैंट्स यहां पर आयेंगे और शोर आदि मचायेंगे और पथराव भी करेंगे ।

श्री बलराज मधोक : दिल्ली पुलिस के पास कुल कितनी वैंस हैं ?

श्री शाम लाल : मुझे पता नहीं है कि कुल कितनी वैंस हैं ।

श्री बलराज मधोक : जब वैन एक जगह से दूसरी जगह को जाती है तो उसका कोई रेकार्ड मैंटेन किया जाता है या नहीं ?

श्री शाम लाल : जरूर मैंटेन किया जाता होगा लेकिन मैं क्लर्क नहीं हूं इसलिये मैं यह काम नहीं करता ।

श्री बलराज मधोक : यह मेंटन किया जता है या नहीं ?

श्री शाम लाल : मगर मैं नहीं मेंटन करता ।

श्री हेमराज : सिपाही जो वहां से आया था इत्तिला देने के लिए तो जिस वक्त आप पहुंचे थे उस के पहले चला आया था या पहुंचने के बाद चला था कि ट्रक्स वापिस रीगल पार्क में भेजने हैं ?

श्री शाम लाल : मैंने यह नहीं कहा । वह तो वहां से हरिभूषण को इत्तिला पहुंची थी । मैंने तो यह कहा था कि मैं वहां अपने सीनियर अफसरों के इंस्ट्रक्शंस रिसीव करने गया और मुझे कहा गया कि उन लोगों को गिरफ्तार नहीं करना है क्योंकि उन से शांति के भंग होने का खतरा नहीं और वे शांतिपूर्वक बैठे हैं और ट्रक्स हमें भिजवा दो ।

श्री हेमराज : जिस वक्त आप वहां पहुंचे उस वक्त क्या उन्होंने आप को बतलाया था कि एक सिपाही हमने पहले ही भेज दिया है ?

श्री शाम लाल : वह मैंने पहले ही जवाब दे दिया है ।

श्री हेमराज : आप यहां से साढ़ चार बजे गये और वापिस आप वहां से साढ़ पांच बजे आए ।

श्री शाम लाल : मैं पांच सवा पांच बजे के करीब यहां वापिस आ गया था ।

श्री हेमराज : उस दरमियान गाड़ियां जो यहां से गईं वह रास्ते में कहीं आप को मिलीं ?

श्री शाम लाल : मुझे रास्ते में नहीं मिलीं ।

श्री हेमराज : आप ने जानने की कोशिश नहीं की क्योंकि वह आखिर गई तो कहां गई रीगल पार्क वह पहुंची नहीं उस डेढ़ घंटे में जबकि आप वहां थे ?

श्री शामलाल : साढ़े चार बजे मैं यहां से गया था और पांच सवा पांच बजे तक वापिस भी यहां पहुंच गया ।

श्री हेमराज : इस पौने घंटे में गाड़ियां वहां नहीं पहुंचीं ?

श्री शाम लाल : मैंने उन को नहीं देखा जाते हुए । हो सकता है किसी दूसरे रास्ते से वह गयी हों । मैंने उन को नहीं देखा ।

श्री हेमराज : आप पार्लियामेंट स्ट्रीट के रास्ते से गये थे और उसी से वापिस आये थे ?

श्री शाम लाल : जी हां ।

श्री हेमराज : यह पार्लियामेंट स्ट्रीट का रास्ता सबसे नजदीक का रास्ता है और पार्लियामेंट हाउस से रीगल पार्क का फ़ासला एक मील से ज्यादा नहीं है ।

श्री शाम लाल : हो सकता है एक मील का हो ।

श्री मानवेन्द्र शाह : पुलिस थाना भी तो इसी पार्लियामेंट स्ट्रीट पर है वहां पर भी आप ने यह गाड़ियां नहीं देखीं ?

श्री शाम लाल : मुझे अपनी ड्यूटी पर वापिस आना था इसलिए मैं रीगल पार्क से पार्लियामेंट हाउस बगैर रुके चलता आया । मैं उन्हें यहीं पार्लियामेंट हाउस के पास छोड़ गया था बाक़ी जब मैं यहां वापिस पहुंचा तो वहां से दोनों पुलिस के ट्रक जा चुके थे । यहां आकर मालूम हुआ कि गाड़ियां चली गयी हैं ।

(श्री शाम लाल की गवाही समाप्त)

(The witness then withdrew.)

(The Committee then adjourned).

Wednesday, the 3rd May, 1967.

PRESENT

Shri R. K. Khadilkar—*Chairman*

MEMBERS

2. Shri Hem Raj
3. Shri J. M. Imam
4. Shri S. M. Joshi
5. Shri Thandavan Kiruttinan
6. Shri Bal Raj Madhok
7. Lt. Col. H. H. Maharaja Manabendra Shah of Tehri Garhwal.
8. Shri H. N. Mukerjee
9. Shri Anand Narain Mulla
10. Shri P. Ramamurti
11. Dr. Ram Subhag Singh

SECRETARIAT

Shri M. C. Chawla—*Deputy Secretary.*

WITNESS

Shri B. N. Tandon—*District Magistrate, Delhi.*

(*The Committee met at 10-00 hours*)

Evidence of Shri B. N. Tandon District Magistrate, Delhi.

(*Shri B. N. Tandon took the oath*)

Mr. Chairman: It appears that on the 5th April when Swami Brahmanand and others were taken into custody, you were not present on the spot. Were you there?

Shri B. N. Tandon: I was not present near Parliament House at that time, but my information is he was not taken into custody.

Mr. Chairman: Could you narrate to me the events?

Shri B. N. Tandon: Yes, Sir. I know that Swamiji was on a *dharna* outside the Parliament House from 30th March. On 5th April, we were anticipating some trouble in Connaught Place and near the Parliament House—AIIFACS Hall—because somebody from Calcutta had sold tickets for the performance of Elvis Presely, and teenagers had bought the tickets in large numbers. It ultimately

turned out to be a hoax. Secondly, there were some disturbances in Calcutta and one particular section of the local Sikhs were organising a meeting in the Regal Park. We had taken precautionary measures and deployed the police force at Regal Park, AIIFACS Hall and near Parliament House. At about 4 o'clock, I along with DIG, (Range) visited the Connaught Place area to check up the arrangements, because despite all my persuasion, Bakshi Jag Dev Singh had refused to give up the idea of holding a meeting in that atmosphere. After my talk with him, I sent some more force and put it in the Regal Park. DIG(R) and I had come to check the arrangements. We first came to Parliament Street Police Station at about 4 o'clock. From there I went to Regal Park because the S.P. and the A.D.M. (South) were not there. So, we went to the Regal Park. We were at the police station for about 5 to 7 minutes and talked to some persons there. At the Regal Park, we went round the whole area from the side of the Regal Cinema, took a round of the park and came to the point which is opposite the coffee house. There I met the other officers. Nobody had started collecting in the Regal Park at that time, *i.e.*, a little after 4.15 P.M. We were discussing our arrangements. Then someone came—I could not tell you who it was; I do not remember—and said that near Parliament House, Swamiji and others had boarded the prison van and were not getting down despite persuasion by the police. The S.P. was there. I told him, "you must make arrangements. You send somebody who can persuade them to get down if they have not been arrested. The police vans might be required here." After that, I left that place with the DIG, because the Lt. Governor had called a meeting of the political parties in Delhi at 5 P.M. to discuss the matter of unauthorised construction. I went to my office, collected my papers and went to the Lt. Governor's House for that meeting. While I was attending meeting, the ADM (South), Mr. Vaish, rang me up there and said that "Those people who had boarded the prison van refused to leave it and we had to bring those vans to the police station. They are all here in the police station and we are trying to persuade them. But they do not listen. They say, we are under arrest; please arrest us and take us to jail." I said, "since an MP is also there, you must deal with the situation with patience and tact. You should also inform the Home Ministry that such a thing has happened." This I did, because during the Parliament session, under instructions from the Ministries of Home, Works, Housing and Supply and ministries which are more intimately concerned with the Delhi Administration, I run what we call a Parliament Cell. The idea is that whatever happens in Delhi should be immediately reported to the Home Ministry and other concerned Ministries. All that work is coordinated in my office, even when two

or three authorities are concerned. We collect information and depending on the time available to us, either I send a report to the Ministry concerned—generally the Home Ministry—in writing immediately or an officer is sent there and he briefs the officers. Sometimes there is not much time to dictate the report and despatch it. So, I said, "You go there and report this matter because an MP is involved and we do not know how things might take shape. Tell them what has happened."

At about 7.30 or 7.45, I rang up the S.P. (South) and said, "You better let me have a complete report on what happened in the Regal Park", because some arrests had to be made and a report would have to be sent to the ministry by the night. He gave me the details of what had happened. I also asked him about Swamiji and others. He told me that they all left at about 7 P.M.

Later on at about 10 o'clock, I was told by the ADM that when he tried to contact Shri Arora of the Home Ministry he was informed that the latter was in the Rajya Sabha. The A.D.M. did not have a pass to go to Parliament House. (Generally on such occasions, we contact Mr. Chowdhry, the Watch and Ward Officer. He knows most of the magistrates and police officers. He arranges for their entry). The ADM told me that he contacted Mr. Chowdhry and he was searching for Mr. Arora. During this meeting, Mr. Chowdhry told him that the Secretary or the Speaker—I do not remember who—had been informed that such and such arrests had taken place at about 3 o'clock. On that he told Mr. Chowdhry that that was incorrect and he might forward the correct report to the Speaker. This is what happened as far as I know on the 5th April.

Mr. Chairman: Assuming that those who were offering satyagraha or trying to break section 144 opposite the Parliament Gate were told that they were not under arrest, when they got into the vans, who directed the vans to the police station?

Shri B. N. Tandon: I have no personal knowledge of that, because I was not present on the spot. Some police officer must have asked them. Later on, we did go into the details and I was told that they were wanting to take the trucks near Regal Park. So, some police inspector might have said, "Here they are not getting down; once they reach the police station, they will get down and the vans would become available for service elsewhere."

Mr. Chairman: Swamiji first boarded the police van. He was persuaded and he got down. Then some police officer stopped a taxi. Is it a fact that he was taken in a taxi?

Shri B. N. Tandon: Yes; this was told to me that they tried to persuade Swamiji to get down from the prison van, but he refused. Later on he got down and it was a taxi which carried him to the police station. For a certain distance a police constable was also sitting there. I have checked up from the police staff. They said that they did not hire the taxi and they could not tell me who actually paid the fare, how the taxi was stopped, who stopped the taxi, whether it was stopped by Swamiji or someone who was with Swamiji—because there was a small crowd there and someone might have stopped the taxi.

Mr. Chairman: But some police sepoy or constable who was there escorted the Swamiji in the taxi to the police station; is it not a fact?

Shri B. N. Tandon: My information is that Swamiji entered the taxi. He asked somebody there:

इस में कान्स्टेबल बिठा दें ।

The head constable agreed. He asked:

अच्छा, तुम बैठ जाओ ।

The constable got down of the taxi near All India Radio and did not go up to the police station. That is my information.

Mr. Chairman: Do you mean to say that the taxi-driver on his own took him to the police station?

Shri B. N. Tandon: That is my information.

Mr. Chairman: You have not ascertained the correct position?

Shri B. N. Tandon: I have ascertained from the police staff on duty there. I have also asked the constable who sat in the taxi. That is what he told me. When he came to know that Swamiji wanted to go to the police station he asked the taxi-walah to stop and that is how he got down near the All India Radio.

Shri A. N. Mulla: You gathered all your information from the police source alone?

Shri B. N. Tandon: No, Sir; I said, from the Additional District Magistrate, South also.

Shri A. N. Mulla: Either from the police source or the executive authorities?

Shri B. N. Tandon: That is right, Sir.

Shri A. N. Mulla: Nobody else?

Shri B. N. Tandon: No, I did not.

Shri A. N. Mulla: You came to the conclusion that the Swamiji voluntarily called a taxi, boarded a taxi, asked for a constable to accompany him and then went to the police station, on the basis of the police version alone. You are prepared to accept it?

Shri B. N. Tandon: No, Sir; actually, as I said, this is not how I ascertained the facts.

Shri A. N. Mulla: You accepted this version of the incident on the statement of the police officers alone?

Shri B. N. Tandon: Well, yes.

Shri A. N. Mulla: Therefore, for my information I would like to know whether as an experienced executive officer you never felt it necessary to check up the statements made by the police officers or policemen and you thought it right to accept them even when their statements are improbable?

Shri B. N. Tandon: I am sorry, I have not been able to follow your question.

Shri A. N. Mulla: You are an experienced executive officer. You hold an important post. You are the Deputy Commissioner of Delhi. Is it the normal habit of the executive officers to accept the police version without checking it or when they find that the version is improbable they check it also?

Shri B. N. Tandon: Actually what happened was, all this process of checking up of each detail would have followed that very day. As I said I was there at about 4.00 p.m. at the police station. The ADM told me that they had not been arrested. The ADM was on the spot at the New Delhi Courts and not in Tis Hazari. I asked him to go and explain the position because, I told him, this was an important matter, it might come up by way of a Short Notice Question or anything like that and therefore the Ministry must be briefed about it properly.

About the taxi part of the incident, I did not go into the details. I was in the midst of a meeting. I came out of the meeting and contacted the ADM. The next day the Home Minister had already

told the Chief Secretary to make an inquiry into it. So I did not consider it necessary to make a further probe myself when a senior officer had been entrusted with the task and before whom I also gave evidence.

Shri A. N. Mulla: Today you know the facts. I would like to know your reaction as an independent executive officer. Does the version given by the police that the swamiji walked into the jail van first, then he was persuaded to come down from the jail van and board a taxi, the taxi was not stopped by a policeman but by somebody else, that somebody else paid the taxi fare, that swamiji insisted that a policeman should accompany him to the police station, then he quietly got down at the police station, and all that, as a normally reasonable man, does this appeal to you or does it seem to you a little thin?

Shri B. N. Tandon: Well, Sir, it does not look improbable for the reason I am going to submit. Firstly, swamiji was keen to be arrested. He had been there since 30th March and we did not arrest him. This is not the first occasion when I had to deal or the Administration had to deal with persons who despite their keenness to be arrested were not being arrested. That very morning, Mr. Bakshi Jagdev Singh, who was organising the meeting at Regal Park, met me. At about 1.45 p.m. he came to my office and said that he did not want anything, he did not want to create any trouble, he did not want the atmosphere in Delhi to be vitiated. But he insisted that I should arrest him then and there on the information that he was going to violate section 144. I have come across, during my service, people who have been very very keen and insistent on being arrested. Usually in making arrests in such cases force has not to be used. When we find that people are bent upon entering the Parliament House premises, we just tell them that the prison vans are there and they should enter them. That is how they board the vans. Therefore, this part of the story does not seem improbable to me.

About the taxi also, as I said, I do not know precisely how exactly swamiji was persuaded to come out of the van and enter the taxi. But it is not unlikely that swamiji, because his other companions had all been taken to the police station, might have thought that he should also go to the police station. I have seen these taxi-walahs taking these people and not charging them anything. Only a few months back when I was coming down my office, just at the entrance, a taxi stopped, a swamiji got down and the taxi-walah refused to take any money, he touched swamiji's feet and said:

स्वामी जी, ठीक है, बहुत कृपा है आप की। म पैसे नहीं लूंगा।

I do not think it is improbable. But once the Chief Secretary had started the investigation I did not go into the details.

Shri A. N. Mulla: Knowing the swamiji as you do, do you think that somebody else would have asked swamiji to board the taxi or swamiji himself would have liked to separate himself from his companions so that they may go in the prison vans but he being a Member of Parliament he would go in a taxi.

Shri B. N. Tandon: I am afraid, I do not know swamiji at all.

Shri A. N. Mulla: But does it not seem extraordinary to you, that this matter has not been cleared as to how the taxi was procured, who paid for the taxi, and no information is given on this aspect of the case?

Shri B. N. Tandon: Once the Home Minister decided to entrust the enquiry to the Chief Secretary, I did not think it necessary to carry out any further probe myself.

Shri A. N. Mulla: I am asking about your reaction. To you, as an experienced officer, does it not seem strange that on that very aspect on which if witnesses are forthcoming we would like to know as a matter of fact as to what happened a veil is being thrown on that particular aspect of the case and we do not know who the taxi-walah was, who called the taxi and who paid the taxi fare. Deliberately a veil is being thrown on that aspect.

Shri B. N. Tandon: I do not know if any deliberate veil is being drawn on it. As I said, Swamiji himself did not know which taxi-walla took him. I am sure the Chief Secretary would have probed into the matter. From the evidence he collected in the matter he probably accepted the story that Swamiji might have taken the taxi and gone to the police station once the prison van had been taken to the police station.

Shri A. N. Mulla: If people voluntarily go to the police station and you succeed in getting them out of your vans at the police station, is it necessary or normal that their names should be recorded at the police station unless they are under detention or in custody?

Shri B. N. Tandon: Not necessary.

Shri A. N. Mulla: If their names and addresses are noted down in the police papers at the police station, as a reasonable man what would be your inference?

Shri B. N. Tandon: My information is that no such name had been recorded.

Shri A. N. Mulla: I am expecting you to answer not only as an executive officer but as a reasonable man.

Shri B. N. Tandon: I am doing that. Sometimes what happens is this. We make entries in the general diaries and don't register any case immediately. The names of these persons might have been taken down, if at all, for another reason. These people had entered the police van on their own, they were not asked to get into them, when they were asked to get down they did not get down and thus they obstructed public servants from discharging their duties.

Shri A. N. Mulla: Are you not trying to exercise your intelligence to find a weak defence for the conduct of the officers, which can be far more reasonably be explained on the basis that they were taken under detention? Which is more probable?

Shri B. N. Tandon: I am only trying to answer the question to the best of my knowledge.

Shri P. Ramamurti: You are answering questions to the best of your intelligence and not to the best of your knowledge.

Shri A. N. Mulla: Was it normal for a jail van and some other trucks to be there everyday near the place where Swami Brahmanand was doing dharna?

Shri B. N. Tandon: Yes, every day.

Shri A. N. Mulla: Can you explain why on that particular day Swamiji boarded the truck when he could have boarded them any other day also?

Shri B. N. Tandon: I cannot give any reply. Probably because on that day the number of persons collected was very large.

Shri A. N. Mulla: Does it not seem to you a reasonable answer that on that day he was asked to board while on the other days he was not asked to board? Is that not a reasonable answer?

Shri B. N. Tandon: No, Sir. Early that morning there was a meeting where we decided that because already there were two other troubles we should try to avoid arrests of anti-cow slaughter agitators as far as possible.

Shri A. N. Mulla: Does not your answer presume that whatever your decision is, the subordinate police officers carry them out to the letter? Is it your experience that they always do it?

Shri B. N. Tandon: By and large, yes.

Shri A. N. Mulla: But there are occasions when they do not?

Shri B. N. Tandon: Sometimes yes; I cannot say they always do it.

Shri A. N. Mulla: Swamiji stepped into the jail van. Then, for some reason he was persuaded to leave the jail van and board a taxi. A police constable accompanied him up to the police station. Then the name of the Swami was taken down in the police papers. Does it not amount—I will not use the term wrongful confinement—to detention or not?

Shri B. N. Tandon: It would depend on how the Swamiji went there. Because, if he went on his own accord, it will not be detention.

Shri A. N. Mulla: That is, if it is on his own accord. Unless you say that Swamiji himself invited the police constable to accompany him—and Swamiji has definitely given the lie to it, let me tell you, by saying that he never invited any police constable to accompany him—you will have to say that the police themselves went with the Swamiji.

Shri B. N. Tandon: If the facts are that Swamiji did not invite the police constable, but the police constable asked Swamiji to board the taxi and then took him to the police station, then I would say "yes, it would be detention".

Shri A. N. Mulla: That is all, thank you.

Shri Hem Raj: You say that you tried to ascertain facts from your magistracy as well as from the police. Besides these, did you seek the help of any other police agency like the CID?

Shri B. N. Tandon: We have a Special Branch of the CID in Delhi Police. But, as I said, the ADM talked to me at about 5.30 P.M. and the SP talked to me at about 7.45 P.M. They told me the facts, I had not gone into the details at that time. The next day the probe started. So, I did not ask the CID to ascertain further facts.

Shri Hem Raj: I order to verify the reports which you have received from ADM or the police you did not think it necessary or proper to get facts from the CID man posted in the Parliament House?

Shri B. N. Tandon: We do not post CID men in Parliament House.

Shri Hem Raj: Who posts them here? What about Purshothamnath.

Shri B. N. Tandon: I will explain it. At the time of every Parliament session we give staff for the help of the Watch and Ward Officer from the various units of the police. At that time they work under the Watch and Ward Officer and not in their parent office. Shri Purshothamnath is a sub-inspector in the CID. During the Parliament Session he was not working in the CID, but was working under the control of the Watch and Ward Officer. So technically speaking, for the duration of the session he is not a CID man. We are only providing extra staff to the Watch and Ward Officer during Parliament session.

Shri Hem Raj: Some people have stated in their evidence before the Committee that the names of those persons were recorded in the police station. Did you try to check up from the records whether those names have been recorded?

Shri B. N. Tandon: I have checked it up. I am told that no names were recorded?

Shri Hem Raj: Did you satisfy yourself?

Shri B. N. Tandon: I have seen only the general diary. There are no names there. Swamiji's name is there, that he came there. No other names or parentage of the persons are recorded. There is a general diary entry to the effect so and so came there; a brief entry is there; Swamiji's name is there.

Shri Hem Raj: What are the contents of that entry?

Shri B. N. Tandon: I do not remember precisely but there is a brief description that Swamiji was on dharna there, the prison van was there, they boarded the van, they were requested to get down, they did not do so, so the vans had to be brought to the police station, Swamiji also came there by a taxi, the Dy. S.P. met them and persuaded them, then they went away. It is broadly on these lines. I do not remember the exact language. I saw it quite some time back.

Shri Hem Raj: Thereafter you did not try to verify it?

Shri B. N. Tandon: Once the Chief Secretary started his enquiry, I must confess that I did not probe into the matter further.

H.H. Manabendra Shah: You were the officer in charge of that area on that day. Did you delegate your power to somebody else or you exercised it yourself?

Shri B. N. Tandon: I will explain it. While I am the District Magistrate for the whole of the Union Territory of Delhi for police and magisterial functions, I am assisted by three additional district magistrates. Parliament House comes under ADM, South. Whenever he needs any guidance, instructions or suggestions he contacts me. When there are important events or elaborate arrangements then I personally go round, just as I did in the case of the Regal Park, because Connaught Place is a sensitive area.

H.H. Manabendra Shah: Who was the officer who was to take immediate decisions on the spot?

Shri B. N. Tandon: ADM, South.

H.H. Manabendra Shah: You had decided that you would not arrest anybody?

Shri B. N. Tandon: Yes, as far as possible.

H.H. Manabendra Shah: Then, what was the necessity of promulgating section 144 when you did not want to arrest people?

Shri B. N. Tandon: Section 144 round about Parliament is imposed at the request of the Speaker. Earlier it used to remain in force throughout the year around Parliament House. Now we are having it only when the Parliament is in session. Section 144 was imposed on that day. It was there from before. Prior to that day, there were arrests made. On that particular day because our hands were full because of the arrangements at Regal Park and the AIFACS Hall, we thought that we should try to avoid the arrests as far as possible. It was not our intention that arrests must not be made, because had the agitators tried to enter Parliament Estate through the main gates or otherwise, arrests would certainly have been made.

Shri P. Ramamurti: A police constable accompanied Swamiji and it is stated that he accompanied Swamiji at Swamiji's request. Is it usual for police constables to accompany people when they just ask them to follow them?

Shri B. N. Tandon: It is not unusual; sometimes they do. In this case the sub-inspector did not allow it but as the Swamiji was telling them to send someone along with him, the head constable who was there agreed, which may appear unusual.

Shri P. Ramamurti: Did you make inquiries of that particular constable or officer who deputed a policeman to accompany Swamiji?

Shri B. N. Tandon: As I said, once the Chief Secretary had taken charge of the whole thing, I did not make any inquiries. The Chief Secretary did it.

Shri P. Ramamurti: You had said that on that day you had decided early in the morning in a conference of the officers that as far as possible there should be no arrests here and the ostensible reason that you suggested was that there was likely to be a satyagraha by some Sikh gentleman.

Shri B. N. Tandon: Not satyagraha; their plan was to hold a public meeting.

Shri P. Ramamurti: But that public meeting in contravention of section 144 was to be at about 6 o'clock in the evening.

Shri B. N. Tandon: At 5 o'clock.

Shri P. Ramamurti: Then, the anticipated trouble or hoax with regard to the sale of some fictitious tickets was scheduled to take place at about 7.30 in the evening.

Shri B. N. Tandon: I do not remember the exact time but it was probably 6.30 in the evening.

Shri P. Ramamurti: Anyway, it was after 6 o'clock and normally the satyagraha that had been taking place near Parliament House was at about 3 o'clock. Therefore, there was ample time for the Police to apprehend these people who offered satyagraha outside Parliament House at 3 o'clock, take them to the police station or Tihar Jail, send back the lorries and deal with the other expected trouble spots at 5 o'clock and 6 o'clock. Was there time or not?

Shri B. N. Tandon: No. Tihar Jail is very far away.

Shri P. Ramamurti: The police station was not far away and there was time to take them to the police station.

Shri B. N. Tandon: We had to take them to jail because we had no accommodation in the police station to keep such a large number of people. We did not know how the situation might develop and once our transport got engaged, we feared we might not get it when

needed. Actually, this was not the only occasion when we did it. Recently, when there was the police trouble we did not make any arrest of the anti-cow-slaughter people even when they went round Chandni Chowk and shouted slogans.

Shri P. Ramamurti: How far is Tihar Jail from here?

Shri B. N. Tandon: 7 or 8 miles.

Shri P. Ramamurti: How long does it take the van to reach there? I have been to the Tihar Jail and I know that within two hours easily these people could have been taken there in the vans and the vans could come back.

Then, you had stated that at 4 or 4.30, when you were at the Regal Park, somebody told you that these people were sitting in the van and you only said that they should be dealt with with patience and tact.

Shri B. N. Tandon: Not at that time. When I was at Regal Park someone came and said that these anti-cow-slaughter agitators had entered the police vans and the police inspector was trying to persuade them to get out of the van. So, I told the SP (South) to better depute an officer who could go there and deal with the situation because I told him that if they had not been arrested why they should insist on sitting in the prison vans, the vans should be got vacated because they might be needed at Regal Park.

Shri P. Ramamurti: They had told you earlier that these people were refusing to vacate.

Shri B. N. Tandon: Actually, it was some pressman who made a casual remark that these people had entered the vans and that the police were trying to tell them to get down because they were not under arrest. On that I told the SP, who was on duty, that he should better send someone who could try to persuade them to get out of the van because I did not know how things might shape in Regal Park and we might need all those vehicles there.

Shri P. Ramamurti: You did not know whether anyone was actually deputed?

Shri B. N. Tandon: No.

Shri P. Ramamurti: You did not bother. Anyway, subsequently you told somebody that these people must be dealt with with patience and tact. Actually, that was when they were sitting in the police station.

Shri B. N. Tandon: I said that because an MP was involved. We should not be rude or discourteous and we should try to deal with the situation tactfully; if they had not been arrested, they should not be treated as having been arrested. That was the idea.

Shri P. Ramamurti: If they were not arrested, the officers at the police station would not deal with them as if they were under arrest.

Shri B. N. Tandon: We have to impress upon our staff again and again as to what should be done in a particular situation. So, I told them not to be rude to them or to drag them; if they were sitting in the lawn, let them sit there and tire themselves out. Actually, this is what is implied by tact and patience.

Shri P. Ramamurti: You just wanted them to understand things by implication.

Shri B. N. Tandon: Well, the ADM is a senior responsible officer and this was not the first time that he had to deal with a situation like this.

Shri P. Ramamurti: You did not ask the ADM to go to the police station.

Shri B. N. Tandon: The ADM was ringing me up from the New Delhi Courts. The police station is just adjoining the New Delhi courts.

Shri P. Ramamurti: Did the ADM actually go to the police station?

Shri B. N. Tandon: As I said, the New Delhi courts are just side by side the police station. So, it was not necessary.

Shri P. Ramamurti: You did not ask him to go the police station.

Shri B. N. Tandon: It was not necessary for me to ask him to go there.

Shri P. Ramamurti: You did not ask the ADM to go there and try to persuade the Swamiji and others to go away because they had not been arrested, but you directed the ADM to contact immediately the Home Ministry. That was the instruction you gave him.

Shri B. N. Tandon: I told him to go there and tell all the facts.

श्री एस० एम० जोशी : मैं यह जानना चाहता हूं कि नह वैन फिर वहां पर भेजी ही क्यों गई थी जब आप ने निश्चय ही किया था कि अरेस्ट नहीं करना है ?

श्री बी० एन० टंडन : मैंने पहले भी उत्तर दिया कि निश्चय यह था कि जहां तक संभव हो सके कोई गिरफ्तारी न की जाय। लेकिन यह कोई निश्चय नहीं था कि चाहे कुछ भी हो गिरफ्तारी नहीं की जायगी। अगर यह लोग पार्लियामेंट भवन में घुसने की चेष्टा करते तो अरेस्ट करना ही पड़ता। दूसरी चीज यह है कि जो एलविस प्रेस्ले का आइफाक्स हाल के लिए अरेंजमेंट था तो यहां पर वह हाल भी पास ही था इसलिए वह वैन वहां रखी हुई थी।

श्री एस० एम० जोशी : तो क्या आप ने यह समझा कि वैन्स का वहां रहना जरूरी है ?

श्री बी० एन० टंडन : जी हां।

श्री एस० एम० जोशी : तो उस के साथ साथ क्या आप यह भी फैसला कर सकते थे कि दूसरी जगह उस की जरूरत होगी ?

श्री बी० एन० टंडन : वह जो वैन एक जगह थी उस पर उस के लिए यह था कि अगर आईफाक्स हाल में जरूरत हो तो वहां ले जायी जा सकती है। उस के बाद अगर रीगल पार्क में जरूरत हो तो वहां ले जायी जा सकती हैं, पार्लियामेंट हाउस में जरूरत हो तो वहां ले जायी जा सकती है।

श्री एस० एम० जोशी : वहां जो होने वाला था वह तो 5 बजे के बाद होने वाला था ? यहां वैन एक बजे से क्यों रख दी गई थी ?

श्री बी० एन० टंडन : क्योंकि यहां जो सत्याग्रह वगैरह होता है वह डेढ़, दो या ढाई बजे के करीब होता है इसलिये पहले से वैन यहां रखी थी और यह था कि अगर जरूरत पड़ेगी तो इस को यहां से ले जाया जा सकता है।

श्री एस० एम० जोशी : जहां से उन को ले गये, उस जगह से पुलिस स्टेशन कितनी दूर है ?

श्री बी० एन० टंडन : कोई डेढ़ दो फर्लांग पर होगा।

श्री एस० एम० जोशी : यह चीज अगर पांच बजे हो जाती तो पुलिस स्टेशन पर ले जा सकते थे। उसी वक्त इन वैगन्ज़ को खाली रखने की क्या जरूरत थी ?

श्री बी० एन० टंडन : मैं जब वहां पहुंचा, उस वक्त साढ़े चार बजे का समय था। अगर इन वैगन्ज़ को इस्तेमाल कर लेते तो तिहाड़ जेल ले जाना पड़ता, वहां से साढ़े पांच बजे तक रीगल पार्क या आई० एफ़० एक्स० हाल तक पहुंचने के लिये ये वैगन्ज़ नहीं मिल सकती थीं

श्री एस० एम० जोशी : इन वैगन्ज़ की जरूरत दूसरी जगह होती—तो क्या इन वैगन्ज़ को चार-पांच जगहों के लिये रखा गया था ?

श्री बी० एन० टंडन : जी हां, ऐसा ही अरेन्जमेन्ट करते हैं।

श्री एस० एम० जोशी : आपके पास कितनी वैगन्ज़ हैं ?

श्री बी० एन० टंडन : उस दिन का मुझे पता नहीं है, लेकिन शायद दो-तीन थीं ।

श्री एस० एम० जोशी : क्या दो-तीन वैगन्ज़ चार-पांच जगहों को कन्ट्रोल कर सकती हैं ?

श्री बी० एन० टंडन : सिचुएशन को देख कर इन का इस्तेमाल किया जाता है ।

श्री एस० एम० जोशी : आपके पास और कितनी वैगन्ज़ हैं ?

श्री बी० एन० टंडन : कुछ वैगन्ज़ रिज़र्व में होती हैं और ज़रूरत पड़ने पर उन का इस्तेमाल किया जाता है । एक ही मौके पर इकट्ठी आठ-दस रख दें, तो उस से ट्रेफिक में कठिनाई होती है ।

श्री एस० एम० जोशी : क्या आप इस प्ली को सही समझते हैं कि इन वैगन्ज़ की दूसरी जगह ज़रूरत होगी, इस लिये उन के ज्यादा से ज्यादा बैठने के बाद भी आप उन को पुलिस स्टेशन ले गये ? क्या आप इस पर विश्वास करते हैं ?

श्री बी० एन० टण्डन : जी हां, मैं विश्वास करता हूं ।

श्री एस० एम० जोशी : कैसे विश्वास करते हैं, जब कि आपके पास दूसरी वैगन्ज़ हैं ?

श्री बी० एन० टण्डन : दूसरी जो वैगन्ज़ होती हैं, वे दिल्ली पुलिस लाइन्ज़ में होती है, जो कि वहां से 12–14 मील पर होती हैं । प्रिज़स वैन्ज़ की हमारे पास कमी है । उस वक्त वहां पर यही आइडिया था कि अगर वहां पर ज़रूरत नहीं होती है तो उन को कैनौट प्लेस या आई० एफ० एक्स० हाल के पास शिफ्ट कर देंगे ।

श्री एस० एम० जोशी : अगर तीनों चीज़ें साथ साथ चलतीं, तब आप क्या करते ?

श्री बी० एन० टण्डन : ऐसी सिचुएशन में क्या इन्तजाम करते यह उस वक्त देखना पड़ता ।

श्री एस० एम० जोशी : क्या आपको पहले नहीं सोचना चाहिये था कि तीन वैगन्ज़ से काम नहीं चलेगा ?

श्री बी० एन० टण्डन: इस में टाइम का सवाल है—जो कुछ होना होगा तीन-साढ़े तीन या 4 बजे तक हो जायगा, या उस में यह वैगन्ज़ काफ़ी रहेंगी या नहीं, या तीन-चार चीज़ें एक साथ हो जायेंगी, इन के लिये पहले से कुछ कहना मुश्किल है । कभी कभी ऐसा भी हुआ है कि ट्रक्स नहीं होते हैं तो परेशानी भी होती है ।

श्री एस० एम० जोशी: पहले आप लोगों ने उन से कहा कि उतर जाइये, लेकिन वे उतरे नहीं, मगर पुलिस स्टेशन ले जाने के बाद वे खुद-बखुद उतर गये ?

श्री बी० एन० टण्डन: जी हां ।

श्री एस० एम० जोशी : पुलिस स्टेशन पर जा कर वे कैसे उतर गये ?

श्री बी० एन० टण्डन : उनका जो परपज था—वे एरेस्ट होना चाहते थे, वह हो गया, उन्होंने सोचा कि यहां से हमको आगे भेजा जायगा, इसलिये पुलिस स्टेशन पहुंचने पर उतर गये ।

Shri H. N. Mukerjee: Everybody would agree and I expect you would also agree that somtime after 3 O'Clock on the 5th April, 1967 some police vans and the taxi moved off from the Irwin Statue roundabout with Swamiji inside either in the taxi or in a van under the police custody. Is that no true? It was soon later 3 O'Clock that Swamiji was taken away somewhere. You agree, as a matter of fact, that is correct?

Shri B. N. Tandon: As a matter of fact, sometime after 3 O'Clock from Irwin Statue roundabout, Swamiji went to the police station, Parliament Street.

Shri H. N. Mukerjee: The police van and the taxi which was directed by the police moved off from this area to somewhere, towards the police station.

Shri B. N. Tandon: About the prison van, certainly, the direction must have been from the police staff because the driver was a policeman. About the taxi, my information is otherwise. I can't say under whose direction the taxi moved. But the prison van would have moved under the direction of the police. When they failed to get these people out of the van here, they took it to the police station thinking that they might get down there.

Shri H. N. Mukerjee: You also happened to know that, at about quarter past 3 O'Clock, a Sub-Inspector of Police, Special Branch, informed the Watch and Ward Officer in Parliament House that a Member of Parliament, Swami Bramhanand, had been arrested.

Shri B. N. Tandon: I came to know of it late in the night.

Shri H. N. Mukerjee: You heard about it?

Shri B. N. Tandon: Yes, Sir.

Shri H. N. Mukerjee: You also know that neither the van nor the taxi in which Swamiji was seated had reached the police station, Parliament Street, upto sometime roundabout 4 O'Clock.

Shri B. N. Tandon: Yes, Sir.

Shri H. N. Mukerjee: So, the presumption, I suppose, is that in the meantime the conveyances and the taxi in which Swamiji was seated were moving about under the police direction for whatever destination it may be.

Shri B. N. Tandon: Actually, that would depend on at what time the police van left the place. What I know is that while these people were in the vans, the vans did not move because they were being persuaded to get out of them. From the Parliament House, the Parliament Street police station is hardly five minutes' drive.

Shri H. N. Mukerjee: I am particularly interested in Swamiji's conveyance that was moving about somewhere in Delhi under the police custody.

Shri B. N. Tandon: I have no knowledge of the time when Swamiji took the taxi. If the taxi moved from the Parliament House at 3 O'Clock and reached the Parliament Street police station at 5 O'Clock, then the natural presumption would be that either it must be roaming somewhere or standing somewhere because the distance is only five minutes' drive.

Shri H. N. Mukerjee: You know that about 5-30 P.M. an officer went to the Rajya Sabha in search of the Deputy Secretary of the Home Ministry, Shri Arora, presumably for instructions from him as to what was to be done about Swamiji.

Shri B. N. Tandon: The question of instruction does not arise. If he was going to the Home Ministry for instructions, he would not have told Mr. Chaudhury, the Watch and Ward Officer that the story of the arrest of Swamiji was incorrect. These are the facts. He did not meet Mr. Arora. Even assuming he went for instructions from Mr. Arora, whatever conversation took place between him and the Watch and Ward Officer took place before he could meet anybody from the Ministry of Home Affairs. Therefore, it is not a question of taking instructions. We keep the Ministry informed of what is happening. As I submitted, when Parliament is in session, we send a report of things of which note should be taken of and whenever there is an urgency an officer personally goes to the Home Ministry (sometimes I personally go to the Home Ministry) and keep them informed of it. So, the question of taking instructions could not arise because the fact that the arrest had not been made was communicated by Mr. Vaish to Mr. Chaudhary even before he could contact anybody in the Home Ministry.

Shri H. N. Mukerjee: It appears from the report of the Delhi Administration that it was quite accidentally that Mr. Vaish got to know that the Watch and Ward Officer had reported the arrest of a M.P. to the Speaker, and he told him that no such arrest had been made. Do you contradict that part of the report of the Delhi Administration?

Shri B. N. Tandon: There is no contradiction. Mr. Vaish was asked to contact Mr. Arora. He contacted Mr. Arora's office and he was told that he was in the Rajya Sabha. He had no pass to enter the Parliament building. On such occasions, we try to contact Mr. Chaudhary. He manages the entries of the officers concerned. Mr. Chaudhary was taking Mr. Vaish to Rajya Sabha Official Gallery where Mr. Arora was supposed to be sitting. At that time conversation took place between them. Mr. Chaudhary asked him about the arrest of Swamiji. Mr. Vaish told him that there had been no arrest. Mr. Chaudhary said he was told about the arrest of Swamiji and that he had informed the Secretary and the Speaker. So, he said, "Please give another report saying what had happened."

Shri H. N. Mukerjee: And this happened accidentally.

Shri B. N. Tandon: Yes. If Mr. Vaish had not met Mr. Chaudhary, this conversation would not have taken place. He would not have told Mr. Chaudhary anything about it.

Shri H. N. Mukerjee: If he had accidentally not heard from Mr. Chaudhary about the arrest, then Mr. Chaudhary's earlier information intimated to the Speaker would have stood.

Shri B. N. Tandon: Actually that is an information furnished by an officer who functions under the Speaker to the Speaker, and not an information on behalf of the District Administration to the Speaker.

Shri H. N. Mukerjee: The Watch and Ward Officer of Parliament House had reported on the basis of his information that a Member of Parliament had been arrested. Mr. Vaish, one of your officers did not go to Parliament House physically to disabuse the minds of the....

Shri B. N. Tandon: We did not know that the Speaker had been informed nor did Mr. Vaish know.

Shri H. N. Mukerjee: Mr. Vaish went there after being in the know of certain incidents happening in this area, in order to meet a Deputy Secretary of the Home Ministry?

Shri B. N. Tandon: That is right.

Shri H. N. Mukerjee: During this period, the Administration could not make up its mind as to what to do about Swamiji.

Shri B. N. Tandon: It is not a question of making up ones mind. Because an M.P. was involved, we thought that an officer must go and explain the facts. At that time, we were busy with other things. We would have had to prepare a report of the whole incident which could have been sent to the Ministry by about 11 or 12 in the night. We thought that this was a matter which should be brought to the notice of the officers of the Home Ministry at the earliest. Therefore, instead of sending a written report, the ADM was requested to go personally and explain the facts.

Shri H. N. Mukerjee: This is a serious matter. The Swamiji, a Member of Parliament, had got into a police van. He says that the Police put him there. Your people say that he walked into it. Whether it is a likely thing or not, it has to be determined. Anyhow, Swamiji, a Member of Parliament, was in the charge of Police—that will be a more simple explanation. For a number of hours, till after his talk with some Police officers in Parliament Street Police Station, he was in the custody of the Police. That is to say, there was a restraint upon Swamiji during those hours.

Shri B. N. Tandon: If Swamiji was there of his own accord, it would not be a restraint. If the Police had taken him, then it would be a restraint.

Shri H. N. Mukerjee: Perhaps some of us are repeating, but we want to be clear. Do you mean to say that it is open, easy, natural and likely for a Member of Parliament or any citizen of this country to walk into a Police van and be there without the Police throwing him out? You want to believe this?

Shri B. N. Tandon: The Police certainly would not have thrown him out of the van. That was our difficulty. He was not under arrest and yet, he was insisting on sitting there. We could not be rude or discourteous by throwing him out of the van. Moreover, we had a very small force there. That day, we had deployed 12 or 15 persons in all and they could not have dealt with a group of 150 persons or so. Naturally we could not have thrown out anybody.

Shri H. N. Mukerjee: You have said that Swamiji and others wanted to court arrest. Even if they did, no harm done; they may

do it if they want to defy a particular law. The point is that you say that they walked into some police van and took possession of the police van. Is it likely or is it possible? Maybe, if Swamiji alone walks into a police van in a very polite manner, the Policeman may not obstruct. I can accept that. But here many of them together entered the police van. They cannot be permitted to do so under the normal police canons. How do you explain that?

Shri B. N. Tandon: Why and how they did, I would not be able to say. This is what they did. They entered the van which was standing there.

श्री बलराज मधोक : दिल्ली में आप कब से हैं ?

श्री बी० एन० टण्डन : मैं 15 अप्रैल सन् 1966 से हूं ।

श्री बलराज मधोक : दिल्ली में पार्लियामेंट के ऊपर इस प्रकार के प्रदर्शन लगातार होते रहते हैं ?

श्री बी० एन० टण्डन : जी हां ।

श्री बलराज मधोक : क्या आप ऐसी कोई घटना बतला सकते हैं जब इस से पहले भी पुलिस की वैन खड़ी हो और प्रदर्शनकारी जानबूझ कर धक्का मुक्की करके उस के अन्दर बैठ गये हों ? ऐसी कोई घटना आप के ध्यान में है ?

श्री बी० एन० टण्डन : नहीं मेरे ध्यान में तो नहीं है ।

श्री बलराज मधोक : दिल्ली मे मैं पन्द्रह सालों से हूं और यहां के सार्वजनिक जीवन में कार्य कर रहा हूं लेकिन मेरी जानकारी म ऐसी कोई घटना नहीं हुई तो ऐसा उस दिन ही क्यों हुआ कि लोग अपने आप जाकर उस वैन में बैठ गये ? उस दिन ही ऐसा क्यों हुआ ?

श्री बी० एन० टण्डन : इस तरह से वैन के अन्दर अपने आप बैठ जाने की घटना तो नहीं हुई है लेकिन इस तरीक़े की घटनाएं अवश्य हुई हैं कि लोगों को परसुएड किया गया कि वह चले जायें उनको गिरफ्तार नहीं किया जा रहा है लेकिन तो भी वह बैठे रहे हैं और कहते हैं कि हम नहीं जाते हैं, हम एरेस्टेड हैं । हम गिरफ्तार हुए हैं । अलबत्ता इस तरह की वैन में अपने आप घुस कर बैठ जाने की बात इस से पहले मेरे इल्म में नहीं आई है ।

श्री बलराज मधोक : यहां यह बतलाया आपने कि 12 या 15 सिपाही आये थे लेकिन कल यहां पर पुलिस के अफसरान ने गवाही में बतलाया कि सुबह 15 आये थे बाद में और आये और जिस समय यह सारी घटना घटी उस समय कोई 40–50 सिपाही मौजूद थे तो क्या अब आप की इनफौरमेशन ठीक है और जो यहां पहले बतलाया गया है वह झूठ है ?

श्री बी० एन० टण्डन : मेरा ख़याल है कि 15 आदमी तैनात किये गये थे बाद में और आये हों तो मुझे उस की जानकारी नहीं है । वह मेरी नौलिज में नहीं है ।

श्री बलराज मधोक : यहां पर स्वामी जी ने अपनी गवाही के दौरान बतलाया है कि जब वह थाने में गये तो उन के व उनके अन्य साथियों के नाम व पते आदि लिखे गये थे जबकि आप का कहना है कि वह नहीं लिखे गये तो यह एक बड़ी मेजर डिस्क्रिपेंसी है । एक तरफ़ मैम्बर आफ़ पार्लियामेंट का बयान है और एपार्ट फ्रौम बीइंग ए मैम्बर आफ़ पार्लियामेंट, वह इस देश के एक बहुत बड़े महात्मा भी हैं और उन से यह अपेक्षा कम से कम कोई नहीं करता है कि वह झूठ बोलेंगे और उन का और उन के साथियों का यह कहना है कि उन के नाम लिखे गये आप कहते हैं कि नाम नहीं लिखे गये तो क्या इस के बारे में आप ने कोई जानकारी ली है क्या कोई इनक्वायरी इस बात की कराई है कि अगर उन के नाम लिखे गये तो किस ने लिखे हैं ? क्या इस बारे में आप ने कोई जांच की है या जांच करायेंगे ?

श्री बी० एन० टण्डन : जब मुझ से एक सीनियर अफसर को इस मामले की जांच का काम सौंप दिया गया तो मेरे लिए उचित नहीं था कि मैं उस की जांच करूं ।

श्री बलराज मधोक : उस के बारे में आप का यह कहना है कि उन के नाम नहीं लिखे गये ?

श्री बी० एन० टण्डन : मैं ने जो पूछताछ की पुलिस के अफसरान से तो उन्होंने मुझ को बतलाया कि हम ने स्वामी जी आदि के कोई नाम वगैरह नहीं लिखे थे । मुझे यही जानकारी मिली है ।

श्री बलराज मधोक : यहां के जो वाच एंड वार्ड के अफसर हैं वह क्या पुलिस कैडर के आदमी हैं ?

श्री बी० एन० टण्डन : जी हां वह पुलिस अफसर हैं जोकि लोक सभा सेक्रेटेरियट को औन डेपुटेशन में दिये गये हैं ।

श्री बलराज मधोक : अब उन को एक पुलिस अफसर होने के नाते इतना तो पता होगा ही कि गिरफ्तारी किसे कहते हैं ?

श्री बी० एन० टण्डन : जरूर जानना चाहिए आखिर को पुलिस अफसर हैं ।

श्री बलराज मधोक : जब उन्होंने यहां के स्पीकर को सूचना दी कि स्वामी जी गिरफ्तार हो गये तो वह उस की सभी इम्प्लीकेशंस जानते होंगे तभी उन्होंने स्पीकर को ऐसा कहा होगा कि स्वामी जी गिरफ्तार हो गये ?

श्री बी० एन० टण्डन : जरूर जानते होंगे ।

श्री बलराज मधोक : एक रिसपौंसिबिल पुलिस अफसर जो कि औन दी स्पौट हो . . .

श्री बी० एन० टण्डन : वह भी मौके पर नहीं थे ।

श्री बलराज मधोक : बिलकुल उस के नजदीक थे और वह एक जिम्मेदार अफसर हैं । उन्होंने किसी बेसिस पर अपने सोर्स से वैरीफ़ाई करा कर ही स्पीकर को वह इत्तिला दी होगी । उन की इनफौरमेशन डिपेंडेबुल भी होनी चाहिए क्योंकि उन की नियरनैस टु दी प्लेस औफ़ औकरैंस भी है और अपने सोर्स की इनफौरमेशन को वैरीफ़ाई करके ही उन्होंने

स्पीकर को इस की सूचना दी होगी कि स्वामी जी गिरफ्तार हो गये हैं और थोड़ी देर के बाद यह उन्हें कहा गया कि गिरफ्तार नहीं किये गये हैं, तो यह जो प्वाएंट इटसैल्प है क्या इस बात का शबहा पैदा नहीं करता कि देयर इज समथिंग फिशी ?

श्री बी० एल० टण्डन : उन को ऐसी सूचना किसी से मिली होगी कि स्वामी जी ने एरैस्ट कोर्ट कराई क्योंकि उसने देखा होगा कि स्वामी जी वैन पर बैठ गये और उसने यह समझ लिया कि स्वामी जी चूंकि वैन में हैं इसलिए वे गिरफ्तार हो गये और उसी सूचना के आधार पर स्पीकर को उनके द्वारा यह सूचना दे दी गई। मैं ने जैसे पहले कहा कोई किसी तरह का अपोज़ीशन नहीं होता, हम लोग कहते हैं कि गाड़ी में चढ़ जाओ और लोग पुलिस वैन में चढ़ जाते हैं और चूंकि स्वामी जी और दूसरे उनके साथी उस दिन वैन में चढ़ गये तो यह समझा गया कि वह गिरफ्तार हो गये और उसी आधार पर वाच एंड वार्ड अफसर ने स्पीकर से कह दिया होगा और इस नाते वह अपनी जगह पर बिलकुल ठीक हैं। उन्होंने उनको पुलिस की वैन में बैठे देख कर प्रीज्यूम कर लिया कि वह गिरफ्तार हो गये हैं।

श्री बलराज मधोक : यदि उन्हें गिरफ्तार नहीं करना था और जैसा कि आप कहते हैं कि वह अपने आप वैन में जा बैठे तो साधारणत: जब भी पुलिस को लोगों को गिरफ्तार नहीं करना होता है तो आप उन को वैन में बैठा कर दिल्ली से दूर छोड़ देते हैं, यह नार्मल प्राक्टस ह।

श्री बी० एल० टण्डन : मैं ने साल भर में किसी दिन भी एसा नहीं किया है कि किसी को दिल्ली से बाहर ले जा कर 8–10 मील पर छोड़ा हो। जिनको भी गिरफ्तार किया उन को सीधे थाने या तिहाड़ जेल ले जाया गया है। लेकिन किसी को इस तरीक़े से हम ने बाहर दिल्ली के ले जाकर नहीं छोड़ा है। एक ट्रक में से, जिस की दुर्घटना हो गई थी, कुछ आदमी जरूर भाग गये थे। वह कहां गये, यह मैं नहीं जानता। लेकिन मैं यह निश्चित रूप से कह सकता हूं कि जब से मैं डी० एम० हूं, इस तरह की कोई घटना नहीं हुई है कि हम किसी को पकड़ कर जेल न ले जा कर कहीं बाहर जा कर छोड़ आये हों।

श्री बलराज मधोक : यह होता रहा है, यह सब जानते हैं। इस केस में भी ड्राइवर पुलिस का आदमी था। जब ड्राइवर को लगा कि अरेस्ट नहीं कर रहे हैं तब भी पास में बैठे हुए किसी आदमी के बस की बात नहीं कि वह जहां ले जाना चाहे गाड़ी को ले जाये। स्टिअरिंग जिस के पास था वह उसे पुलिस थाने ही क्यों ले गया, और कहीं क्यों नहीं ले गया ?

श्री बी० एल० टण्डन : वह इसलिये ले गया होगा कि थाना एक ऐसी जगह है जहां उम्मीद की जाती थी कि सब लोग उतर पड़ेंगे। अक्सर ऐसा होता है कि थाने ले जाने पर वैन खाली हो जाती है।

श्री बलराज मधोक : यह तो आप मानेंगे कि किसी के कहने पर ही वहां ले गया होगा ?

श्री बी० एल० टण्डन : हो सकता है।

Shri J. Mohamed Imam: You said just now that the Swamiji boarded the taxi at 3 P.M. and reached the police station at 5 P.M. Is that correct?

श्री बी० एन० टण्डन : टाइम मुझे नहीं मालूम । तीन बजे और साढ़े पांच बजे के बीच में बैठे । मैं ने कहा कि वह तीन बजे टैक्सी में बैठे ।

श्री मोहम्मद इमाम : आप को किसी ने नहीं बतलाया कि किस टाइम पर टैक्सी में बैठे और किस टाइम पर थाने पहुंचे ?

श्री बी० एन० टण्डन : थाने वह करीब साढ़े पांच बजे पहुंचे । किस वक्त टैक्सी में बैठ इस के बारे में मुझे मालूम नहीं ।

Shri J. Mohamed Imam: I know your evidence is based more or less on information given by others. Did you make any enquiry as to when Swamiji got down at the Thana. Did he get down by himself and there was no-one else or there was no policeman? Have you made the enquiry that when Swamiji reached the Police Station whether he was alone in the taxi or accompanied by any police constable?

श्री बी० एन० टण्डन : चीफ सेक्रटरी एन्क्वायरी कर रहे थे । स्वामी जी से उन्होंने क्या सवाल किये और उन्होंने क्या जवाब दिये, यह मुझे याद नहीं । यह भी याद नहीं कि पुलिस मैन था या नहीं । एक सीनिअर आफिसर से एन्क्वायरी करने के लिये कह दिया गया था और उन्होंने पूरी एन्क्वायरी की है ।

H.H. Manabendra Shah: You say that you got the information from some press-men at about 4 O'clock.

Shri B. N. Tandon: At about 4 O'clock I reached at the Parliament Street Police Station. So, it may be 4.10 or 4.15 when I reached Regal Park. First I came to Parliament Street Police Station at 4 O'clock and after being there for about few minutes I went to Regal Park and it is there I heard of this.

H.H. Manabendra Shah: You yourself had said that you did not want to make any arrest because Swamiji was involved in it and you did not think it proper either to go personally and investigate or issue specific orders to see how the matter stands.

Shri B. N. Tandon: I did not say we did not want to make arrests because Swamiji was involved.

H.H. Manabendra Shah: You said that because an important person was involved you wanted to use patience.

Shri B. N. Tandon: I did not know at that time that Swamiji had boarded the police van.

मुझे तो बतलाया गया था कि जो सत्याग्रही आये थे वह वैन में घुस गये हैं और पुलिस उन से निकलने के लिये कह रही है लेकिन वह निकल नहीं रहे हैं।

I did not know at that time. It was only at 5.30 P.M. that ADM gave me the details that Swamiji had also come.

Shri A. N. Mulla: You say that the police officers requested these persons to get down from the vans and told them that they were not under arrest. Now we depend upon this only on the statements of the policemen for no judicial officer went there and told them that they were not under arrest.

Shri B. N. Tandon: No Magistrate went there.

Shri A. N. Mulla: I would like to know why was it not considered desirable that to make them understand the real position a judicial official could contact them and tell them that they were not under arrest?

Shri B. N. Tandon: I will not be able to answer that question. ADM was incharge of this. I came to know of the details only when this had happened.

Shri A. N. Mulla: The period of time is determined that near-about 3 O'clock these persons walked into the police trucks and at about 5 O'clock Swamiji reached the Thana. So during this interval what seems to you to be probable that either Swamiji's friends waited for two hours to decide for Swamiji to come out of the police van and go by taxi or was the police officer waiting to have some instructions and finally they did after two hours. What is more likely?

Shri B. N. Tandon: One of the Sub-Inspectors went to the Regal Park . . . .

Shri A. N. Mulla: I am asking you apart from your executive duties. As a reasonable person what seems to you more likely? Either Swamiji's friends waited for two hours to make that suggestion to board taxi and go to Thana or on the other hand the policemen might have been waiting to receive definite instructions how to act and when instructions were received they acted in this manner. What seems to you to be more reasonable?

Shri B. N. Tandon: Actually it depends on at what time Swamiji came out of the prison van. It is said that first he entered the prison van and later on he took the taxi.

Shri A. N. Mulla: You said that the distance is only one or two furlongs. Now, unless I take it that Swamiji was roaming somewhere in Delhi and it was only at 5 P.M. that he reached the police station. There is this gap of 2 hours. So, either Swamiji's friends waited for two hours to suggest to Swamiji to go by taxi or police authorities were given instructions after two hours. What is more possible?

Shri B. N. Tandon: Theoretically any of the two things is possible.

Shri A. N. Mulla: You think that both are on the same footing.

Shri B. N. Tandon: Once he got down the prison van the prison van had left that place. Swamiji did not accompany them but reached later.

Mr. Chairman: Mr. Tandon, the first information, according to rules, is given by an executive authority or by the magistrate on duty. So do you consider that Mr. Chaudhry when he gave first intimation to Lok Sabha he did it on his own or some responsible officer conveyed it to him. What is your view?

Shri B. N. Tandon: Actually Mr. Chaudhry was given this infortion by Mr. Purshottam Nath.

Mr. Chairman: So some responsible officer gave him this information.

Shri B. N. Tandon: A Sub-Inspector of Police.

Mr. Chairman: That is quite responsible officer. Now, I would like to know from you—you also had by implication admitted—that for some time Swamiji, leave aside others, was persuaded to get down on the understanding that he should not go along with others being an important person. He was persuaded to go in a taxi, naturally to Police Thana, and you admitted that some police officer, some constables, accompanied him to the Thana. During that period, though whatever you might have decided at the high level, the general presumption would be, technically, he was under restraint from 3 O'clock onwards till he left the Police Thana. Would it be correct to say he was under restraint of this nature—it may not be arrest actually—but he was under restraint.

Shri B. N. Tandon: If he was made to do that under police officials' instructions, whatever be his rank, technically it would be restraint. But if he went on his own then it would not be.

Mr. Chairman: This is a very important matter. When you second time gave information to Lok Sabha on your own, you are some authority, that first information is contradicted here it is not correct. So in-between without ascertaining what happened and even assuming that he was under restraint, was it not the duty of the executive officer to inform? And was it not a failure on his part?

Shri B. N. Tandon: If I may submit Sir, we never intend any disrespect or even discourtesy either to the House or to any Member. There is no question of such a thing. And we take adequate precautions that whenever any arrest is made the Speaker is immediately informed. Since I took over, we have on our own also started the practice that even when a warrant is issued against an M.P. I inform the Speaker. I did it a few months back. We issued a warrant against an M.P. and although it was not required under any instructions of the Lok Sabha Secretariat or of the Government to inform the Speaker, I did so. Later on, when the warrant was cancelled the Speaker was informed of that also. In this case, if I were convinced that an arrest had been made—I have already told you as to how actually things had happened—I can assure you, Sir, that I would have informed the Speaker. I would further submit that if after all this evidence this Committee does come to this conclusion that there was some restraint, even unintentional, on the movements of a Member of this House, I will have no hesitation in expressing my regret because it is never my intention of showing any disrespect or discourtesy to a member by not informing the Speaker. Since you have asked me I have explained as to how things were developing that day. I would like to make it clear that at no time anything was done by me or by any of my colleagues which would mean any disrespect or discourteous to the House or to any Member thereof. We tried to behave in a most respectful and courteous manner. As I said, we did not think that it was an arrest and so we did not inform the Speaker. But, if it is the opinion of this august body that there was a restraint on Swamiji, I have no hesitation in expressing regret. While I was not there on the spot and my A.D.M. or any magistrate was also not there, I take full responsibility of the happenings.

Shri P. Ramamurti: The information here is that Swamiji was arrested by one Shri Parshottam, C.I.D. official who was deputed for this purpose. But, the enquiries started only a day later by the Chief Secretary. You had no information from the A.D.M. that this information had been conveyed to the Speaker. Your A.D.M. later on conveyed this information at about 11 O'clock.

Shri B. N. Tandon: No, Sir. This was at about 10 O'clock.

Shri P. Ramamurti: Even then did he not think it necessary actually to make enquiries from Mr. Parshottam who was the person who actually informed that he had been arrested? Did you not cause any enquiries to be made from Mr. Parshottam? Or you just presumed that Shri Parshottam must have seen this and from that he must have concluded. You know that everything is in black and white.

Shri B. N. Tandon: I do not know on what basis Mr. Choudhury had made that report to the Speaker. What enquiry could I conduct in that period? I do not know what was the basis of Mr. Chaudhury's information. In any case I did not take it as a report which is required under the rule. Mr. Choudhury is an Officer working under the Speaker and is not working under the D.C. or I.G. (Police). I did not know that he had passed on that information.

Shri P. Ramamurti: Does it not strike you as very strange that the Chief Secretary who made enquiries of so many people did not think it necessary to make an enquiry from Mr. Parshottam who has given this information that Swamiji had been arrested?

Shri B. N. Tandon: I would not be able to answer this question in a very definite manner. I might explain that the Chief Secretary had to submit his report by night.

Shri P. Ramamurti: I do not want your explanation. But, does it not strike you as very strange?

Shri B. N. Tandon: Mr. Choudhury's statement had been recorded.

Shri P. Ramamurti: That information was given to him by Mr. Parshottam. That is all in black and white. Therefore, how Mr. Parshottam had given that information that Swamiji was arrested? Nobody thinks it necessary to enquire into this. Did you presume that he must have done it?

Shri B. N. Tandon: As I told you, I would like to answer this as the enquiry was conducted by another officer. I am not in a position to speak on behalf of someone else.

श्री एस० एम० जोशी : आपने कहा है कि कोई डिसरिसपैक्ट नहीं होनी चाहिये, कोई डिसकर्टसी नहीं होनी चाहिये और आप कोई डिसरिसपैक्ट दिखाना भी नहीं चाहते थे । अगर कोई रेसट्रेंट हुआ है तो आप कहेंगे कि ऐसा नहीं होना चाहिये था—

श्री बी० एन० टण्डन : कोई इंटेंशन ही नहीं थी ।

श्री एस० एम० जोशी : लेकिन यह बात तो हो ही गई है । एक आदमी कहता है कि एरेस्ट किया और दूसरा कहता है कि नहीं किया । एरेस्ट नहीं किया इसको पूरा करने के लिए यह कहा जाता है कि स्वामी जी खुद-ब-खुद एरेस्ट होना चाहते थे । वह चाहते थे कि उनको एरेस्ट किया

जाए। आपने कहा है कि लोग इसरार करते हैं कि उनको एरेस्ट किया जाए जो सत्याग्रह करते हैं वे चाहते हैं कि उनको एरेस्ट किया जाए लेकिन जब उनको नहीं किया जाता है तो वे नाराज हो जाते हैं। फिर यह जो पुरुषोत्तम है यह कौन है क्या यह हाउस का आदमी नहीं--

Shri B. N. Tandon: For that period, Shri Parshottam was an employee of the Parliament Secretariat.

श्री एस० एम० जोशी : अब दो चीजें कंट्रेडिक्टरी हैं। एक ने कहा कि एरेस्ट किया और दूसरे अफसर ने कहा कि एरेस्ट नहीं किया। जब ये दो बातें कही गई तब बिना इस बात का फैसला किए हुए कि एरेस्ट हुआ या नहीं हुआ, जब यह हाउस में कह दिया जाता है कि ये लोग चाहते थे कि इनको एरेस्ट किया जाए और आपने भी कहा है कि ये लोग चाहते थे कि एरेस्ट करो तो क्या यह अप्रतिष्ठा नहीं हुई ?

श्री बी० एन० टण्डन : कोई चाहे कि उसको एरेस्ट किया जाए और हम एरेस्ट नहीं करना चाहते हैं तो इस में कोई मैं अप्रतिष्ठा की बात नहीं देखता हूं। इसका कारण यह है कि एरेस्ट करने का या न करने का डिसिशन इस पर लिया जाता है कि आया एरेस्ट करना जरूरी है या नहीं है। अगर कोई कहे कि मुझे एरेस्ट करो और मैं कहूं कि मैं एरेस्ट नहीं करता हूं तो इसको मैं कोई डिसकर्टसी या अप्रतिष्ठा नहीं समझता हूं।

श्री एस० एम० जोशी : यह निर्णय कौन करता है कि जरूरी है या नहीं है ?

श्री बी० एन० टण्डन : सामान्यतः जो आफिसर स्पाट पर रहता है।

श्री एस० एम० जोशी : वहां जो अफसर थे उन्हीं ने यह कहा होगा कि इन वैंस को अभी पुलिस स्टेशन ले जाओ ?

श्री बी० एन० टण्डन : जब वैंज चली होंगी तब जो अफसर वहां स्पाट पर रहा होगा उसी ने कहा होगा या कोई मैसेज आया होगा कि यह गाड़ियां हमें भिजवा दीजिये।

Mr. Chairman: One clarification I would like to seek is this. As one of our Members, Shri Joshi said, on your report an impression is gaining ground,—after all, Swamiji is a respected person not only as Member of the House but also he is a dedicated person—that if ones Swamiji breaks the law, he presumes that he will be prepared to take the consequences from that angle. So, impression is conveyed by the Police Officer that he was eager to get arrested, as he said. A certain amount of sense of disrespect for the man should be avoided—would you not agree with that?

Shri B. N. Tandon: I would like to avoid even a semblance of disrespect to this House.

Shri Bal Raj Madhok: It is not a question of a Member of the House. Swami Brahmanand, even if he is not a Member of the House, is one of the most respected persons in the country, a man

who is known for his truthfulness and for the role he played in the Freedom Movement. Swami Brahmanandji commands respect from all of us including yourself and your officers.

श्री बी० एन० टण्डन : यह मेरा दुर्भाग्य है कि मैं स्वामी जी को नहीं जानता हूं । मैंने उस दिन उन का नाम पहली बार सुना था । इस लिए मैं इस विषय में कुछ नहीं कहना चाहूंगा ।

Mr. Chairman: Thank you.

(The witness then withdrew)

New Delhi, Sunday, the 7th May, 1967

PRESENT

Shri R. K. Khadilkar—*Chairman.*

MEMBERS

2. Shri Hem Raj
3. Shri J. M. Imam
4. Shri Thandavan Kiruttinan
5. Shri Bal Raj Madhok
6. Shri Anand Narain Mulla
7. Dr. Ram Subhag Singh

SECRETARIAT

Shri M. C. Chawla—*Deputy Secretary.*

WITNESS

Shri B. N. Tandon—*District Magistrate, Delhi.*

(*The Committee met at* 11.00 *hours*).

Evidence of Shri B. N. Tandon, District Magistrate, Delhi

(*The witness took the oath*)

Mr. Chairman: Only yesterday we were going through the evidence and we find that so far as your statement goes it is all right, but we want to have a little elucidation. It was very correct from the point of view of improving the text and you did not want to repeat the text twice that you made some corrections. That was my impression. You have taken the full responsibility.

Shri B. N. Tandon: As I said, for all the happenings I take the full responsibility.

Mr. Chairman: We felt that we should have a little further elucidation from you because from all our questions if you have gathered an impression that the Committee Members felt that there was some sort of a restraint put on the Swamiji on that day, then your regret so far as it goes, is all right, but it must be, in the opinion of many of us, more explicit and unhesitating and full-throat-

ed. That is all. On that point if you have got to say something, you may do so.

Shri B. N. Tandon: As I submitted before this Committee, I have narrated the facts as known to me, but if after taking evidence the Committee came to the conclusion that some restraint was put on Swamiji, then I would have no hesitation in expressing my regret. Why I said so was that I thought that it was presumptuous on my part to conclude anything on behalf of the Committee, because I also did not know what my other colleagues, officers and Police staff had told the Committee. So I was not in a position to presume on my part any conclusion on behalf of the Committee, but I left myself in the hands of the Committee saying that if after all the evidence the Committee came to that conclusion, I would have no hesitation in expressing my regret because no discourtesy or disrespect was meant. I also added that even though I was not present on the spot and the usual practice, as you know, Sir, was that the Magistrate or the Police Officer is supposed to submit a report and then the District Magistrate follows it up, but I said that I take full responsibility for what my staff did even though I was not present and if the Committee's conclusion was that. That is what I meant that day and I repeat it to-day also.

Mr. Chairman: That is all.

Shri Bal Raj Madhok: Objection was taken to his saying 'If the Committee has come to the conclusion'. Whatever be the Committee's conclusion, his regret should be unqualified.

Mr. Chairman: For whatever has happened you take full responsibility and express regret unhesitatingly?

Shri B. N. Tandon: I would not like to presume any conclusion on behalf of the Committee. Even that day I submitted that I take the full responsibility even though I was not present and if that is the finding of this August Committee I will have no hesitation in expressing my regret.

Dr. Ram Subhag Singh: That is all right. It is an unqualified apology.

Mr. Chairman: Thank you.

(The witness then withdrew)

The Committee then adjourned

APPENDIX

(*See* para 12 of Report)

ENQUIRY REPORT MADE BY THE CHIEF SECRETARY, DELHI ADMINISTRATION

Lt. Governor directed me this afternoon that I should conduct an enquiry into the alleged arrest of Shri Brahma Nand, M.P. on 5th April 1967.

2. I have, in this connection, recorded the statements of Shri B. N. Tandon, D.C., Shri S. C. Vaish, ADM (South), Shri S. N. Dey, S.P. (South), Shri C. L. Chhabra, D.S.P. incharge of P.S. Parliament Street, Shri S. Chowdry, Watch and Ward Officer, Parliament House, Shri N. L. Kakkar, SDM (Parliament Street), S.I. Sham Lal, S.I. Hari Bhushan, Mohd. Ishaq and Constable Asha Din. Copies of their statements are enclosed.

3. I sent Shri Anand, SDM (Tughlak Road) to Shri Brahma Nand with the request that he may make it convenient to meet me in my office, where I had called other witnesses in connection with this enquiry. When Shri Brahma Nand indicated that he would not be able to come to my office, I met him at Irwin Statue roundabout outside the Parliament Estate, where his statement was recorded. A copy of his statement is also enclosed.

4. Shri Brahma Nand's version is that he had addressed a number of communications to the P.M., the President and lastly the Speaker urging an early solution of the anti-cow slaughter agitation. When he found that no reply was forthcoming, he resorted to a 'dharna' in the Irwin Statue roundabout outside the Parliament House. On 5th April, 1967 at about 3 p.m. about 180 of his followers collected there. He exhorted them to remain peaceful. The police vans were lined up along the outer wall of Parliament Estate. The police officers on duty urged them to enter the van which they did. Later they told him that he should not go in the police van in view of the high public office held by him and was persuaded to get into a taxi along with one of his followers. He was accompanied by two policemen. The van reached P.S. Parliament Street earlier than Swamiji's taxi. There their particulars were recorded. After being made to wait for a couple of hours they were told that they were not under arrest, whereupon they dispersed. The period of detention at the police station has been specified to be four hours in the privilege motion.

5. Shri Brahma Nand, in his statement, is vague about the timings. He told me that his followers had started collecting round 3 p.m. He did not specify the exact or even the approximate time when the van and the taxi carrying him moved towards P.S. Parliament Street. The Deputy Commr. however visited P.S. Parliament Street *en route* to Regal Park at about 4 p.m. Till that time, neither the van nor the taxi nor the agitators had reached P.S. Parliament Street. At this stage I would refer to the statement of Chowdry, Watch and Ward Officer, Parliament Street. He had stated that at 3.15 p.m. he was informed by S.I. Parshotam Nath of the Special Branch that Shri Brahma Nand, M.P., had been arrested. He did not however verify full details from S.I. Parsotam Nath but passed on this information to the Speaker immediately. This would show that the agitators had started getting into the van shortly after 3 p.m. When it is recalled that neither the van nor the taxi had reached P.S. Parliament Street upto 4 p.m., it is obvious that the van and the taxi did not start moving towards the Parliament Street immediately after Shri Brahma Nand and his followers had boarded them. The distance between the Parliament House and P.S. Parliament Street is barely two furlongs and in vehicles barely 5 minutes run. What was transpiring at the Irwin Statue roundabout has to be reconstructed in the light of statements of other witnesses.

6. Shri Brahma Nand's statement conveys the clear impression that all along he had been waiting to court arrest. It appears that when, even after his 'dharna' for a few days, the police did not take him in, he became anxious to get arrested somehow or the other on 5th April, 1967. This is further confirmed by the talk which Shri N. L. Kakkar had with Shri Sita Ram Khemka earlier in the day at the Central Jail, Tihar. Shri Sita Ram Khemka had squarely informed him that Shri Brahma Nand would be joining other anti cow-slaughter agitators in the Jail by the evening. Shri Brahma Nand's followers, who collected at the Irwin Statue roundabout were, perhaps, also aware of his programme. This explains the studied orderliness of their demonstration and the disciplined manner in which they entered the prison van. It has, however, to be concluded that, had the Police arrested the agitators alongwith Shri Brahma Nand and put them in the prison-van instead of their entering the van on their own, there would be no area of conflict between the intentions of the Police and the behaviour of the agitators and the vehicles would have moved towards the Police Station without loss of time. Considering that Chowdry, Watch and Ward Officer, Parliament House, had conveyed the news of Shri Brahma Nand's arrest to the Speaker by about 3.15 p.m. they should have been at the P.S. Parliament Street latest by 3.30 p.m. D.C. did not find them there even at 4.0 p.m. This lends sup-

port to the police version that they spent considerable time in informing Shri Brahmanand and his followers that they were not under arrest and they should vacate the prison van. This deduction is further reinforced by the statements of S.P. (South) and DSP Incharge of P.S. Parliament Street to the effect that at about 4.30 p.m. S.I. Sham Nath of P.S. Parliament Street contacted S.P. and DSP Incharge at Regal Park, informed them of the predicament in which the police had been placed and sought instructions regarding further course of action. S.P. (South) told him that since Shri Brahmanand or his followers had not been arrested, they should be persuaded to get off the police van which might be required at the Regal Park. Apparently persuasion did not suffice. Here again, I would refer to D.C.'s statement. At about 5.30 p.m. while he was in a meeting at Raj Niwas, he was informed that the agitators had declined to vacate the police van and had been taken to P.S. Parliament Street, D.C. advised A.D.M. (South) to deal with the situation with patience and tact and to apprise M.H.A. (Shri G. K. Arora, Deputy Secretary).

7. When A.D.M. (South) tried to contact Shri Arora, he was informed that the latter would be available in the Rajya Sabha whereupon he went to the Parliament House. In order to get entry there, he contacted Chowdry, Watch and Ward Officer. Chowdry took Vaish to the Rajya Sabha, which had by that time adjourned for the day. He then casually enquired about the arrest of Shri Brahmanand from the A.D.M., since he had already sent a report to the Speaker in this connection. The A.D.M. clarified the position and informed the Watch and Ward Officer that there had been no arrests. When he came to know that a report about the arrest of Shri Brahmanand had already been made to the Speaker, he requested the Watch and Ward Officer that the true facts should be brought to the notice of the Speaker: Thereupon, Shri Chowdhry sent a written report to the Speaker. From the Parliament House, Vaish went to Ministry of Home Affairs, met Shri Arora and apprised him of the sequence of events.

8. A question arises as to how S.I. Purshotam Nath made a report to the Watch and Ward Officer at 3:15 p.m. about the arrest of Shri Brahmanand. It is established that before making a report, he did not verify the facts from the Police staff on duty on the spot. He perhaps saw Shri Brahmanand entering the prison van and reached *the prima facie* conclusion, without seeking corroboration that the M.P. had been arrested. He had also reason not to go further into the matter inasmuch as during the previous days, he had seen arrests being made in this manner.

9. In reconstructing the story I would lay emphasis upon the statement of Vaish A.D.M. (South). The fact that he went to Rajya Sabha at about 6.0 p.m. in search of Shri Arora and accidentally conveyed the correct position to the Watch and Ward Officer for the information of Speaker, confirms the contention of the Administration that Shri Brahma Nand and his followers had never been arrested. It further follows that, had Shri Brahma Nand been arrested there was no ground which could have inhibited the A.D.M. from sending the due report to the Speaker.

10. Another point requiring clarification is the time spent by Shri Brahma Nand and his followers at P.S. Parliament Street. In this matter, the police version cannot be discarded out of hand. The police force, posted at the Irwin statute round-about, was headed by S.I. Sham Lal, S.I. Hari Bhushan and H. C. Mohd. Ishaq. S.I. Sham Lal went to Regal Park at about 4.30 p.m. to seek instructions from S.P. (South) about the manner in which they should proceed considering that Shri Brahma Nand and his followers were not getting out of the police trucks and the prison van. Hereafter, an approximation has to be made about the timings. By the time S.I. Sham Lal came back to the Irwin statute round-about, he found that the trucks had moved. This would mean that by about 4.45 p.m. the trucks carrying the bulk of the agitators had left the Irwin Statue round-about and reached P.S. Parliament Street. S.I. Hari Bhushan, who remained at Irwin Statue roundabout throughout, has testified that at about 5.00 p.m. some of the followers of Shri Brahma Nand obtained a taxi. Shri Brahma Nand got into it. He wanted a police constable to accompany him. H.C. Mohd. Ishaq has stated that he allowed a constable to accompany Shri Brahma Nand in the taxi in view of the fact that he was an M.P. The constable who accompanied Shri Brahma Nand (Asha Din), however, asked him, after the taxi had moved, as to where they were going. Shri Brahma Nand told him that they were heading for P.S. Parliament Street whereupon the Constable insisted on getting down, saying that he would not like to accompany Shri Brahma Nand to the Police Station inasmuch as he was not under arrest. He asked the driver of the taxi to stop and got down. The upshot is that while most of Shri Brahma Nand's followers reached P.S. Parliament Street in police trucks after 4.30 p.m. Shri Brahma Nand himself must have reached there shortly after 5.00 p.m.

11. At the police station, full courtesies were extended to Shri Brahma Nand. As he was himself stated, he was offered a chair which he accepted. He also responded to the call of nature. He and

his followers however did not disperse till D.S.P. Chhabra came back to the Thana and requested them personally to disperse since they were not in custody.

12. In this connection, I would observe that while Shri Brahma Nand and his followers were at the thana, ADM Vaish was engaged in informing the Speaker through the Watch and Ward Officer and Deputy Secretary, M.H.A. that no arrests had been made. It is impossible to aver that a contrary impression may directly or indirectly have been conveyed to Shri Brahma Nand and his followers either at the point where they boarded the police trucks or at P.S. Parliament Street. As stated earlier, Shri Brahma Nand had also accepted that no discourtesy was shown either to him or to his followers at the Police Station. I would firmly conclude that, even according to the statement of Shri Brahma Nand, he did not spend 4 hours at the Police Station. I can also infer that they were entirely free to move out of the Police Station as and when they liked. In fact, they did so after the DSP had spoken to Shri Brahma Nand. There is no evidence to show that they were forcibly taken to the Police Station or detained there. They reached the Police Station because they did not get off the police trucks. They remained at the Police Station because of their insistence on being treated as having been arrested, which was not a fact.

13. Shri Brahma Nand has specifically alleged that he was told by a Police Officer on duty at the Irwin Statue round-about that he and his followers had been arrested. Had this been correct, S.I. Sham Lal would not have gone all the way to Regal Park at 4.30 p.m. to seek instructions from S.P. (South) regarding the further course of action. S.I. Hari Bhushan has stated that at no point of time did he tell Shri Brahma Nand or anyone else that they were under arrest. On the contrary, both S.I. Sham Lal and Hari Bhushan have stated that they had told Shri Brahma Nand that since they were not under arrest, they should get off the police vehicles.

14. The term 'arrest' has been defined in Sec. 46(1) Cr. P.C. as—

> "In making an arrest the police officer or other person making the same shall actually touch or confine the body of the person to be arrested, unless there be a submission to the custody by word or action".

This definition is derived from Halsbury's Laws of England which defines the term as—

> "arrest consists of actual seizure or touching of a person's body with a view to his detention. The pronouncement of the

words of arrest is not an arrest unless the person sought to be arrested submits to the process and goes with the arresting officer".

It is thus obvious that an arrest cannot be made unless the police officer has the intention to make the arrest. Also there has to be an explicit intention to take the person into custody before he can submit to it. In the present case, Shri Brahma Nand and his followers boarded the police vehicles of their own free will and without being asked to do so. It is possible that in doing so, they construed themselves to have submitted to custody. Within the prescribed connotation of the term, however, this action does not tantamount to arrest.

15. I would summarise my conclusions as follows:—

(a) Shri Brahma Nand and his followers had been wanting to court arrest. The magistracy and the police did not consider it necessary.

(b) By getting into the police trucks at about 3.00 p.m. Shri Brahma Nand and his followers were under the erroneous impression that they had got themselves arrested. The question of police arresting them or forcing them into trucks did not arise.

(c) The fact that D.C. and the A.D.M. (South) were anxious to inform the Home Ministry (Shri G. K. Arora) at the earliest of the peculiar situation that had arisen because of the insistence of Shri Brahma Nand to be treated as having been arrested shows that he was really never arrested. Had it been so, there is no reason why they should not have informed the Speaker of the arrest.

(d) As has been analysed above, Shri Brahma Nand and his followers spent about 2 hours at P.S. Parliament Street. They were afforded facilities and courtesies. They remained there with a view to succeeding in going to jail, but they dispersed when they realised that that was not possible.

Statement of Shri B. N. Tandon, Deputy Commissioner

On 5th April, 1967 I went to the Regal Park in Connaught Place to supervise the arrangements that had been made there to deal with the threatened defiance of Section 144 by Bakshi Jag Dev Singh and his colleagues of the International Sikh Brotherhood.

I was accompanied by D.I.G. (R). Both of us reached the Regal Park at about 4.00 p.m. *via* the Parliament Street Police Station. At the Police Station we did not see any crowd or commotion at that time. At the Regal Park after checking the arrangements the DIG(R) and I had brief discussions with S.P. (South) and other officers. While we were there someone mentioned that Swami Brahma Nand, M.P. and some of his followers had entered the prison van parked outside the Parliament House. I told S.P. (South) that since he had not been arrested, he and his followers be persuaded to get off the prison van, which might be needed at the Regal Park. We then left the Regal Park and came back to our respective offices.

At 5.15 p.m. I went to the Raj Niwas to attend a meeting called by Lt.-Governor to discuss the problem of unauthorised constructions. While I was there in the meeting, I got a telephonic message from ADM (South) at about 5.30 p.m. that Swami Brahma Nand and some other persons who had entered the prison van and other Police vehicles of their own had come to the Police Station. They were insisting that they should be arrested, even though the Police officers had made it clear to them that they had not been arrested. I told him that we should deal with the situation with patience and tact and that he should personally go to the Ministry of Home Affairs and apprise Shri G. K. Arora, Deputy Secretary of all the facts.

At about 7.45 p.m. I contacted S.P. (South) at P.S. Parliament Street to ascertain full details about the arrest of Bakshi Jag Dev Singh. I also asked him whether Swami Brahma Nand was still at the Police Station. I was informed by him that Swamiji and his followers had left the Police Station at about 7.00 p.m.

Statement of S. C. Vaish, A.D.M. (South)

On the 5th April, 1967 I was posted as A.D.M., Delhi of the South District. On that day a prohibitory order u/s 144 of the Cr. P.C. which I am submitting (Exhibit P. 1) was in force banning processions, demonstrations and meetings in the area of Connaught Place, Connaught Circus, Parliament House and Central Secretariat. I had information that on 5-4-1967 Bakshi Jag Dev Singh was intending to violate this prohibitory order in the evening at Regal Park,

Connaught Place by holding a meeting. On the same day at 6.30 p.m. a musical show was proposed to be held in the hall of All India Fine Arts & Crafts Society, Rafi Marg about which there was an allegation that tickets had been sold under a fradulent statement that Elvis Presley is coming. Arrangements to maintain law and order were made herealso. Swami Brahma Nand, M.P. with some companions had been sitting for some time in the Irwin Statue Traffic Island, Parliament Street in support of a ban on cow slaughter. Agitators in support of this ban came every day at Parliament House and violated the prohibitory order u/s 144 Cr.P.C. by demonstrations and meetings and courted arrest. A Police force, Jail van and other vehicles were kept at Parliament House every day.

2. On the 5th April, 1967 at about 5.20 p.m., I was at Regal Park, Connaught Place when information was received that Swami Brahma Nand had voluntarily entered the jail van and was refusing to leave the van despite the request of the police officer present. The S.P. (South Distt.) (Shri S. N. Dey), who was present issued oral instructions that there was no intention to arrest Swami Brahma Nand and others. Later information was received at Regal Park that Swami Brahma Nand had vacated the jail van and boarded a taxi.

3. I proceeded to Parliament Street Courts and informed D.C., Delhi on telephone, who was with Lt.-Governor, Delhi, in a meeting. I told the D.C. that Swami Brahma Nand M.P. and the agitators had got into the jail van and had refused to leave despite request. The van had been brought to the Police station, Parliament Street and these persons were sitting in the lawns of the Police Station. He told me that we should deal with the situation with tact and patience and that I should personally inform Shri G. K. Arora, D.S. (Poll), M.H.A., of these details. The office of Shri Arora informed me on telephone that he was in the Rajya Sabha. I proceeded to Rajya Sabha and tried to contact him with the help of Choudhury, D.S.P., Parliament House. It was learnt that Shri Arora had, in the meantime, gone back to the South Block, Choudhary D.S.P. informed me that he had heard that Swami Brahma Nand had been arrested and he had informed the Speaker to this effect. I requested Choudhary D.S.P. to inform the Speaker that this information was incorrect and that Swami Brahma Nand had never been arrested. Thereafter I proceeded to South Block and informed Shri Arora of the sequence of events.

Office of the District Magistrate, Delhi

ORDER

Whereas the area known as Parliament House together with its surrounding localities are busy public places frequented with heavy vehicular and pedestrian traffic when Parliament is in session.

And whereas unrestricted holding of meetings, processions and demonstrations therein or in their close vicinity are likely to cause danger to human life or safety and a disturbance of the public tranquility;

And where it is necessary to take speedy measures in this behalf to prevent danger to human life or safety and a disturbance of the public tranquility;

Now, therefore, in exercise of the powers conferred upon me by section 144 of the Criminal Procedure Code, I, S. C. Vaish, additional district magistrate, Delhi do hereby make this written order prohibiting the holding of any public meeting, procession or demonstration in any public place within the areas specified in the schedule appended to this order without a written permission either from me or the sub-divisional magistrate concerned, which permission if accorded may be subject to such conditions as the said authority may deem fit to impose.

This order shall come into effect from 14-3-1967 and shall remain in force for a period of one month unless withdrawn earlier.

Any person contravening this order shall be punishable under section 188 I.P.C.

As this order cannot be served individually it is hereby passed *ex-parte*. It will be published for the information of the public through the press and by affixing copies on the notice boards of the courts of deputy Commissioner, additional district magistrates, all sub-divisional magistrates, tehsil, offices of district superintendents of police, all police stations concerned and the offices of the New Delhi Municipal Committee and the Municipal Corporation of Delhi.

This order shall not apply to funeral or customary religious processions.

Given under my hand and seal of this court this fourteenth day of March, 1967.

Sd|- S. C. VAISH,
14-3-1967.
Addl. District Magistrate, Delhi.

SCHEDULE

Parliament House consisting of the following areas:—

(a) The entire compound of Parliament House, including the entrances leading into the compound, and the kerb (width 30 feet) as well as another 30 feet of the public thorough-fare running parallel to the kerb immediately outside the North and South gates of the Parliament Estate Compound.

(b) Area bounded by the South side of Church Road beginning from the Church Gate of Vijay Chowk upto the Western Junction of the Church Road with North Avenue, then alongwith western side of North Avenue, upto its junction with Irwin Road and then along the eastern side of Willingdon Creascent until its junction with South Avenue, then along the Western side of South Avenue, until its junction with Dalhousie Road and then alongwith northern side of Dalhousie Road upto Dalhousie Gate and then along a straight line joining Western side of the Dalhousie Gate with the Western side of the Church Gate of Vijay Chowk.

(c) Areas known as Vijay Chowk, Church Road, Pant Marg, Red Cross Road, Talkatora Road, Parliament Street, Rafi Marg, Jantar-Mantar Road and Raisina Road.

Statement of Shri S. N. Dey, S.P. South District

I am S. P. South District. I was in my office on the 5th April when I received a telephonic call at about 11-15 a.m. from D.I.G.(R). I was required in the meeting with D.I.G.(R) and D.C. at Tis Hazari in connection with the Sikh agitation in New Delhi area etc. I immediately set off for Tis Hazari where the meeting was to be held in D.C.'s room. D.I.G.(R), other District S.Ps. and S.P, (CID) were also present. We discussed the arrangements required to be made at Regal Park as Bakshi Jagdev Singh had declared his intention to defy the ban of 144-Cr. P.C. and hold a meeting in connection with the Calcutta incidents. Instructions were issued by the D.I.G. (R) from the office of the D.C. about the Police precautions and arrangements that were to be made at Regal Park.

2. The hoax played by the so-called Dr. Tagore on a very large number of people with regard to a musical evening by Elvia Presely at A.I.F.A.C.S. Hall had necessitated proper and adequate Police arrangements at that place. It was feared that teenagers would perhaps demonstrate outside the Hall and may cause damage to the building etc.

3. As usual, some policemen and vehicles were also sent to Parliament House as a precautionery measure since the anti cow-slaughter demonstrators had been courting arrests.

4. At about 3 P.M. the same day, I received a telephonic message from Shri Vaish, A.D.M. (South) that Bakshi Jagdev Singh and his companions would try to put up a stage and make arrangements for holding a public meeting at Regal Park. Since no permission was given to them, I was to see that the meeting did not take place and the stage etc. were not put up. Shri Vaish, however, told me that they would also be joining me at Regal Park. Round about 4 p.m. or so, the D.I.G.(R) and D.C. also came to the Regal Park where I met them and informed them that I had learnt that Swami Brahmanand, M.P. was feeling bad that despite his 'Dharna' for a few days, he had not been arrested and that he was anxious to get arrested somehow or the other that very day. Some pressmen had also brought the news, that Swamiji and others had entered Police vehicles. After holding consultation with D.I.G. (R) and D.C. it was decided that since Swamiji and others had not been arrested, they should be persuaded to get off our vehicles. I also asked the D.S.P. Parliament Street to avail of the Police vehicles at Parliament House for other important duties in connection with the threatened meeting by Bakshi Jagdev Singh and his companions who may have to be arrested for defying Section 144.

5. At about 6.45 p.m. when I returned to my office after making a round of Connaught Place and adjoining areas, I learnt from D.S.P. Parliament Street that Swami Brahmanand had come to the Police Station. After a little while, I was also told that Swami Brahmanand, along with his companions, had left the Police Station and that there was no arrest made in connection with anti-cow-slaughter agitation in Police Station Parliament Street. Thereafter, I got in touch with D.I.G.(R) and informed him of the outcome of the Regal Park meeting and happenings of the evening. D.I.G.(R) ordered me to get in touch with A.D.M. (South) and, along him, proceed to the Home Ministry to inform Shri G. K. Arora, Deputy Secretary, about the affairs of the day. Before I could do so, A.D.M. (South) had already left to contact Shri Arora.

Statement of Shri C. L. Chhabra, D.S.P., P.S. Parliament Street

I am posted as S.H.O., P.S. Parliament Street, New Delhi. On 5th April, 1967, I had deployed two Sub-Inspectors one Head Constable and 15 Constables for duty at the Parliament House from 9-0 A.M. in the morning. A Small force used to be deployed every day at the Parliament House from the Police Station to deal with any demonstration etc. One truck had also been detailed. Shri Brahmanand, M.P. with three|four of his followers had been squating inside the circle (X Irwin Statue). In the afternoon this force was further strengthened in view of apprehension of breach of peace near the A.I.F.A.C.S. Hall which is very close to the Parliament House. A jail van was also kept there. S.I. Sham Lal of P.S. Parliament was incharge of these arrangements.

I was deputed by S.P. (South) to look after the arrangements at Regal Park as Bakshi Jag Dev Singh, an Akali leader of Delhi, had threatened to defy the ban by holding a meeting (Public) in the Regal Park to protest against the Calcutta incidents. I reached the Regal Park with some force for making arrangements there at about 3-0 P.M.

While I was present at Regal Park Sub-Inspector Sham Lal came there and informed me that about 150|200 persons had collected in the roundabout outside Parliament House and were boarding the Police vehicles. Swami Brahmanand, M.P. had also occupied a seat in the jail van. I then informed S.P. (South) of this who told me that since these persons were peaceful, there was no question of arresting them and that since the vehicles were required to deal with any emergency that might arise in view of the agitation by Bakshi Jag Dev Singh and his colleagues, they should be persuaded to leave the vehicles. I briefed S.I. Sham Lal accordingly.

I remained busy at Regal Park in connection with precautionary arrangements there and subsequent arrest of Bakshi Jag Dev Singh and Inder Mohan Singh. At about 6-0 P.M. when I returned to P.S. Parliament Street, there I found about 70|80 persons sitting in front of Lawn. On making enquiries from the S.I. Sham Lal I came to know that these were the persons who had entered the Police vehicles at Parliament House and refused to come out despite repeated requests by the Police Officers. The Police Officers on duty at Parliament House had therefore no option but to bring the vehicles to the Police Station for other duties. At the Police Station these persons came out of the vehicles and squatted on the Lawns and again insisted on being arrested.

At about the same time Shri Brahmanand, M.P. also came to the Police Station on a taxi. I was working in my office at that time, busy in Bakshi Jag Dev Singh's case. On hearing the news of Swamiji's arrival at the Police Station I asked Sub-Inspector Sham Lal to receive Swamiji courteously. After some time I along with S.I. Mukhtiar Singh, A.S.I. Kasturi Lal also came out and met Swamiji. I told him that he was not under arrest and requested him to leave the Police Station, which the Swamiji did within a few minutes. The other persons squatting there followed him.

Statement of Shri N. L. Kakkar, S.D.M. Parliament Street, New Delhi

On the 5th April 1967, I was posted as S.D.M. Parliament Street, New Delhi. In the morning hours, I had been to Tihar Central Jail for the trial of two cases *viz.*, State *vs.* Chandgi Ram and others, and State *vs.* Manohar Singh and others challaned u/s 188 IPC, Both these cases were disposed of in the room of Shri Talwar, Deputy Superintendent, Jail. After the disposal of the cases, I attended telephone in the room of the Superintendent, Central Jail where I found one Shri Sita Ram Khemka seated. Shri Sita Ram Khemka had informed me that Swami Brahmanand, M.P. would be joining the agitators in Jail by the evening. He was also mentioning that Swami Brahmanand, despite his squatting outside the Parliament House in the roundabout, had not been apprehended and therefore he had decided to offer satyagraha by the evening. This information had been passed on by me to A.D.M. (South) in the evening hours.

2. A.D.M. (South) had informed me that Bakshi Jagdev Singh was intending to voilate the prohibitory order in the evening at the Regal Park, Connaught Place, New Delhi, by holding a meeting. It was anticipated also that Bakshi Jagdev Singh might come with certain agitators and make real mischief. Therefore, the area was patrolled and necessary law and order arrangements were made. Ultimately, I stayed at the Regal Park where Bakshi Jagdev Singh had an intention to hold the meeting.

3. After the arrest of Bakshi Jagdev Singh, I went to the Courts for the disposal of urgent papers and thereafter I, along with A.D.M. (South) went to the Rajya Sabha to meet Shri G. K. Arora, Dy. Secy. Ministry of Home Affairs. At the Parliament House, Shri Chowdry, watch & Ward Officer, happened to meet us and he informed that there was information with the Speaker that the arrest of Swami Brahmanand had been effected. He was informed that no such arrest had been effected and, in case the Speaker had been informed

about the arrest, then this information may be corrected. Thereafter, A.D.M. (South) and myself went to the Ministry of Home Affairs to meet Shri Arora.

Statement of Shri S. Chowdry, Watch and Ward Officer, Lok Sabha Secretariat, Parliament House, New Delhi

On 5-4-1967 I was posted as Watch & Ward Officer in Parliament House, New Delhi. Whenever there is an arrest of M.Ps. outside the Parliament House or any other incident which requires the Speaker's attention, I received C.I.D. report. On that day, at about 3.15 p.m., I received C.I.D. report from Sub-Inspector Purshottam Nath that Swami Brahmanand along with some of his followers courted arrest in front of Parliament House Estate. Accordingly, I submitted the report to the Secretary, Lok Sabha. The same day, at about 5·45 p.m., Shri Vaish, A.D.M., along with Shri N. L. Kakkar, S.D.M. New Delhi came to Parliament House and sought my help to meet Shri Gopi Arora, Deputy Secretary Ministry of Home affairs, in connection with some urgent official work. He was supposed to be in the Rajya Sabha Gallery. I took them towards the Rajya Sabha but, unfortunately Rajya Sabha had adjourned for the day. I casually enquired about the arrest of Swami Brahmanand from Shri Vaish since I had sent a report to this effect to the Secretary, Lok Sabha. On this, Shri Vaish clarified the position in regard to the arrest of Swami Brahmanand, M.P. According to him, he along with his followers, entered the Police van outside the iron gate No. 2 of the Parliament House Estate at about 2.45 p.m. for getting them arrested. The Police persuaded them to leave the van but, as they did not accede to their request, the Police van was taken to the Police Station, Parliament Street at about 3.0 p.m. The Police van had been parked in front of the Police Station and Swami Brahmnand and his followers were still in the van. The Police authorities had not arrested Swami Brahmanand so far. I immediately submitted a report to Secretary, Lok Sabha for the information of the Speaker. The true copy of the report given is filled by me which is as P.B.

The A.D.M. Shri Vaish has clarified the position in regard to the arrest of Swami Brahmanand, M.P. According to him Swami Brahmanand along with 200 of his followers entered the police van outside the iron gate No. 2 at about 2.45 p.m. for courting arrest. The police persuaded them to leave the van, but as they did not accede to their requests the police van was taken to Police Station, Parliament Street about 3.0 p.m. The Police van has been parked in front of the Police Station, and Swami Brahmanand and his followers are still in the van.

The Police authorities have not arrested Swami Brahmanand so far.

Sd|- S. CHOWDRY.
5-4-1967

Statement of Swami Brahmanand, M.P.

मुख्य सचिव महोदय : मैं आपसे उसी 5 तारीख के बारे में बातचीत करने आया हूं अजीब बात हो गई है, आप बता दें क्या हुआ, किस तरह हुआ ?

स्वामी जी : हमने किसी तारीख को, 26 को या 25 को एक नोटिस दिया इंदिरा जी को। मुझे तारीख याद नहीं है। मैंने उनको एक पत्र लिखा कि हम लोग ऐसा करते रहे और आपके कोई सुनवाई नहीं हो रही है। मैं इतने तारीख से धरना दूंगा। तो उन्होंने कोई उत्तर नहीं दिया। मैंने राष्ट्रपति जी को भी वही पत्र लिखा जो इंदिरा जी को लिखा था तो उनका भी कोई उत्तर नहीं आया।

तो उसके बाद ही धरने पर बठ गये। जिस दिन धरने पर बैठे तो हमने अध्यक्ष को लिखा 30 तारीख को। प्रधान मन्त्री का पत्र भी संलग्न था। हम धरने पर बैठ गये। बैठने के बाद फिर 4, 5 दिन हुए तो हमने फिर एक पत्र अध्यक्ष को लिखा कि अब इतने दिन हो गये हैं और आपने कोई सुनवाई नहीं की है गौ-हत्या के बारे में तो मैं अब सत्याग्रह करूंगा। यह 5 को मैंने उनको पत्र लिखा। यहां 187 के करीब आदमी होंग, गिनें नहीं। नारे लगाये और जलूस निकाला।

मुख्य सचिव महोदय : 5 तारीख को क्या समय था ?

स्वामी जी : अन्दाज से 3 से ज्यादा ही थे कोई साढ़े तीन बजे होंगे और यहीं कोई 187 आदमी आन्दोलन के सिलसिले में धीरे धीरे इकट्ठे होते रहे। यहां मैंने उनको समझाया कि सत्याग्रह में कोई पुलिस वाला रोके तो धक्का-मुक्की न करना और जिस समय वह गिरफ्तार करने लगे तो अगाड़ी मत बढ़ना फाटक की तरफ। मैं आगे था। सब लोगों ने नारे लगाये। उनका ट्रक वहां आ गया सब बैठ गये। ट्रक में ले गये।

हमको कहा कि पुलिस की जीप है उसमें बैठो, ट्रक में नहीं और पुलिस की जीप में ले गये। वह लाये थे मोटर।

मुख्य सचिव महोदय : महाराज आपको याद है कि पुलिस की जीप थी या टैक्सी ?

स्वामी जी : जीप नहीं थी, मोटर थी लेकिन मुझे जीप कहा गया। मुझे फिर थाने ले गये। मेरे साथ एक साधू था गाड़ी में। बाकी महात्मा थाने में थे।

मुख्य सचिव महोदय : पहले थाने में वैन नहीं पहुंची थी या आप ?

स्वामी जी : पहले ही ट्रक वहां पहुंच गया था और हम लोग पीछे पहुंचे। 400, 500 पुलिस खड़ी थी। सबसे पहले मेरा नाम लिखा। सब की गुरू वल्दियत लिखी। हमसे कहा बैठ जावो। बाकी गिनती होती रही।

7 बजे हमसे कहा—महाराज जाओ। तो साधुओं ने कहा हमको पकड़ा, चार घंटे यहां रखा, हम नहीं जायेंगे। फिर किसी ने कहा कि भाई ऊपर से कोई फोन आया होगा कि उन्हें छोड़ो, क्यों गड़बड़ करते हो। तो मैं शान्तिपूर्वक निकल कर नारे लगाते हुए यहां तक साढ़े सात या पौने आठ बजे होंगे। सब आ गये। फिर यहां 8 बजे होंगे उनमें कुछ विद्यार्थी थे उनको जाने के लिए कहा तो कोई करौल बाग गया होगा कोई कहीं गया होगा। यहां 50, 60 आदमी रह गये। उनके लिये फिर रात को डेढ़ बजे जब लोगों को पता हुआ तो खाने पीने के लिए लाये। क्योंकि यहां 4 घंटे लगे होंगे।

अब असलियत यह है कि गिरफ्तार किया, ठीक किया जैसा कि वे करते हैं। यहां कोई धरना देता है तो गिरफ्तार करते ही हैं। अब यह दूसरी बात है कि हम को न समझे हों कि एम० पी० हैं या नहीं हैं।

मुख्य सचिव महोदय : आपको किसी ने कहा कि मैं आपको गिरफ्तार करता हूं ?

स्वामी जी : नहीं कहा कि आपको गिरफ्तार करते हैं तो हम लोग बैठ गये। हम इतना करते रहे कि अशान्ति न हो। जब फाटक बन्द करने लगे तो मैंने कहा कि जब गिरफ्तार हो गये तो गाड़ी खड़ी है बैठ जाओ उधर को कोई नहीं बढ़ेगा। इसमें सवाल उठा दिया हमारी पार्टी वाले लोगों ने। अगर गवर्नमेंट से भी गलती हो तो भी पुलिस वालों की बात समझ में नहीं आती है। गलती है तो सबसे ज्यादा उनकी है जिनको मैंने पत्र लिखा था। उनको तो पता लगना चाहिये था कि क्या हो रहा है। अब यह हो सकता है कि आपको पुलिस कप्तान को हिम्मत न पड़े कि मि एम० पी० को पकड़ें या न पकड़ें।

मुख्य सचिव महोदय : तो महाराज जो वैसी वैन खड़ी है उसमें बैठे थे या नहीं ?

स्वामी जी : हम बैठे थे। हम को कहा कि अपमान होगा। हमने कहा कि हमको इसी में ले चलो अलग क्यों ले जाते हो तो उन्होंने कहा हमारे लिए ऊपर से कहेंगे कि एम० पी० को इसमें लाये।

मुख्य सचिव महोदय : यह कौन थे ?

स्वामी जी : मैं नहीं जानता कि पुलिस सुपरिनटेंडेंट, डिप्टी पुलिस सुपरिन्टेंडेंट थे। तो उन्हीं ने मुझे बैठाया था। साथ में उसमें 4 आदमी थे।

मुख्य सचिव महोदय : वह गाड़ी कहां गई ?

स्वामी जी : वह थाने में ले गये और थोड़ा घुमा फिरा कर ले गये। मैं नुकसान किसी का नहीं चाहता, किसी अफसर का नुकसान नहीं चाहता। गलती इसमें गवर्नमेंट की है।

जो पुलिस का काम है वह किया गया। जो कानून तोड़ेगा क्या पुलिस उसे नहीं पकड़ेगी। हमने यहां टैंट लगाये। कोई कहे उखाड़ लो क्या हम उनसे लड़ जायं। वह उखाड़ते तो ठीक होता।

मुख्य सचिव महोदय : थाने में जब आप पहुंचे तो उन्होंने कहा कि आपको हम गिरफ्तार नहीं करते, आप जाओ ?

स्वामी जी : उन्होंने बाकायदा हमको कुर्सी पर बिठलाया और सबसे पहले नाम लिखा क्योंकि स्वामी जी (हम) जत्थानायक हैं। फिर लान में बैठा दिया। हमारे सिर में दर्द था, हम टट्टी गये। सिपाही लगे हुए थे, बाहर बन्दूक वाले लगे थे।

मुख्य सचिव महोदय : थाने से छुटते वक्त क्या हुआ ? किस ने कहा कि आप जाइये ?

स्वामी जी : मैं तो पहचानता नहीं। मैंने कहा कि मुझे छोड़ रहे हो तो उन्होंने कहा कि सब को छोड़ रहे हैं। किसी ने कहा कि इनको यहां फोन आ गया होगा किसी नेता का तो छोड़ दिया। हमने कहा कि कानून से पकड़ लिया और कानून का हुक्म आया होगा तो छोड़ दिया। कुछ लोगों ने कहा कि खाना कहां खायेंगे ?

मुख्य सचिव महोदय : जब आपने पुलिस वालों से कहा कि आप हल्ला मत करना बाद आप इसी गाड़ी में आकर बैठ गये ?

स्वामी जी : वह यहीं गाड़ी लाये हुए थे यहीं बिठाया। जब अरेस्ट हो गये तो बिठाया गाड़ी में। पहले हम बैठे फिर सब बैठे।

Statement of Sub-Inspector Hari Bhushan

मैं 5 अप्रैल, 1967 को हैड कांस्टेबल मोहम्मद इसाक व 15 कांस्टेबलों के साथ ड्यूटी के लिये पार्लियामेंट हाउस गया था। पार्लियामेंट हाउस के बाहर गोल चक्कर में स्वामी ब्रह्मानन्द जी एम० पी० दो तीन साथियों के साथ कई दिनों से धरने पर बैठे हुए थे। सब-इंस्पेक्टर शामलाल भी वहां ड्यूटी पर करीब 11 बजे आये और मैंने उनको सब ड्यूटी के बारे में हाल बताया। एक ट्रक थाने का भी वहां था। दूसरा ट्रक और एक जेल वैन करीब एक बजे वहां पर और आ गई।

थोड़े थोड़े आदमी धीरे धीरे स्वामी जी के पास आते गये और तीन बजे तक करीब डेढ़सौ दो सौ आदमी गोल चक्कर में हो गये। करीब तीन सवा तीन बजे होंगे उनमें से कुछ आदमी स्वामी जी के साथ पुलिस की गाड़ियों में चढ़ने लगे। थोड़ी देर बाद सब-इंस्पेक्टर शामलाल जी ने यह कहा कि वह जाकर अपने अफसरों से हालत बतलाते हैं और जो कुछ भी उनकी राय होगी वैसे किया जायगा। मैं श्री शामलाल के जाने के बाद वहीं पार्लियामेंट हाउस पर रहा और स्वामी जी और दूसरे लोगों को जो कि पुलिस की गाड़ियों पर चढ़ गये थे बार-बार प्रार्थना करता रहा कि वे पुलिस की गाड़ियों से उतर जायं क्योंकि उन्हें गिरफ्तार नहीं किया गया। परन्तु वे न माने और इस बात पर अड़े रहे कि वे या तो जेल जायेंगे या थाने। क्योंकि पुलिस की गाड़ियों की और जगह जरूरत थी और कोई चारा न देखते हुए दोनों ट्रक मैंने थाने भिजवा दिये जिनमें कुछ आदमी सवार थे। दोनों ट्रकों के जाने के बाद स्वामी जी को फिर प्रार्थना की गई कि जेल-वैन में बैठना उनके वास्ते शोभा नहीं देता क्योंकि वे एम० पी० हैं और बड़े आदमी हैं। यदि उन्हें और कोई प्राइवेट गाड़ी चाहिये कहीं जाने के लिये तो उसका इन्तजाम करा देते हैं जिस पर वे जेल-वैन से उतर आये और वहां खड़े हो गये। इतने में एक टैक्सी उधर से गुजरी जो स्वामी जी के किसी आदमी ने रोक ली जिस पर स्वामी जी बैठ गये और हैड कांस्टेबल मोहम्मद इसाक को कहा कि उनके साथ एक पुलिसमेन दे दे। पहले तो वह सिपाही देने पर राजी न हुआ क्योंकि स्वामी जी गिरफ्तार नहीं थे परन्तु स्वामी जी के दोबारा कहने पर उसने एक सिपाही आसादीन स्वामी जी के साथ कर दिया जो उनके साथ टैक्सी में बैठ गया और टैक्सी वहां से चली गई। थोड़ी देर बाद

वह सिपाही पैदल वापस आ गया और बतलाया कि स्वामी जी ने टैक्सी को थाने चलने के लिये कहा था और वह स्वामी जी को थाने ले जाने पर राज़ी न हुआ और आल इण्डिया रेडियो के पास से टैक्सी से उतर कर वापस चला आया। मैं हैड कांस्टेबल मोहम्मद इसाक व दूसरे मुलाज़िमान 7 बजे तक पार्लियामेंट हाउस पर ड्यूटी पर रहे क्योंकि उस दिन पार्लियामेंट 7 बजे खत्म होनी थी।

Statement of Sub-Inspector Sham Lal

मैं 5-4-67 को पार्लियामेंट हाउस बराये ड्यूटी इंतज़ाम के सिलसिले में करीब 11 बजे दिन के गया था। मेरे से पहले वहां पर सब-इंसपेक्टर हरिभूषण, हैड कांस्टेबुल मोहम्मद इसाक व 15 कांस्टेबल ड्यूटी पर मौजूद थे। श्री ब्रह्मानन्द जी एम० पी० ने पार्लियामेंट हाउस के बाहर गोल चक्कर पर कई दिनों से धरना दे रखा था। आहिस्ता आहिस्ता थोड़े थोड़े लोग वहां स्वामी जी के पास आते गये और तीन बजे तक डेढ़ दो सौ की गिनती हो गई। कुछ देर के बाद मुझे यह जान पड़ा कि वे लोग अपनी मर्जी से पुलिस की खड़ी हुई गाड़ियों में चढ़ जायेंगे। वे लोग शांति से थे। कुछ देर के बाद उन में से कुछ आदमी स्वामी ब्रह्मानन्द जी के साथ पुलिस की गाड़ियों में चढ़ गये। मैंने उन्हें हाथ जोड़ कर कई दफा प्रार्थना की कि वे ऐसा न करें और गाड़ियों से उतर जायें क्योंकि उनको गिरफ्तार नहीं किया गया है परन्तु वे गाड़ियों से नीचे न उतरे। मैं यह हालत देखकर अपने अफसरों को बतलाने के वास्ते और उनसे राय लेने के वास्ते रीगल पार्क गया जहां पर वे सब मौजूद थे। उस वक्त करीब साढ़े चार बजे का समय था। मैं रीगल पार्क पर जाकर डी० एस० पी०, पार्लियामेंट स्ट्रीट व दीगर दूसरे सीनियर अफसरों से मिला और उनको हालत बतलाई। मुझे डी० एस० पी० पार्लियामेंट स्ट्रीट व एस पी० (साउथ) ने कहा कि उन लोगों को गिरफ्तार नहीं करना है क्योंकि उनसे शांति के भंग होने का खतरा नहीं और वे शांतिपूर्वक बैठे हैं। श्री ब्रह्मानन्द जी एम० पी० के वास्ते उन्होंने कहा कि उनका पुलिस की जेल-वैन के अन्दर बैठना शोभा नहीं देता, यदि वह अपनी मर्जी से और किसी गाड़ी में बैठना चाहें तो उनको प्राइवेट गाडी मंगा दी जाय क्योंकि वह गिरफ्तार नहीं हैं और ना ही उन्हें गिरफ्तार करना है।

मैं जब वापस पार्लियामेंट हाउस पहुंचा तो वहां से दोनों पुलिस के ट्रक जा चुके थे और पुलिस की जेल-वैन खाली वहां खड़ी थी। मुझे मालूम हुआ कि वे लोग वहां से गाड़ियों में सवार होकर पार्लियामेंट थाने चले गये हैं। सब इन्स्पेक्टर हरिभूषण ने, जो कि उस दिन मौजूद थे, बहुत बतलाया कि उन्होंने स्वामी जी और दूसरे सज्जनों की काफी मिन्नत की कि वे गाड़ियों से उतर जायें क्योंकि वे गिरफ्तार नहीं हैं परन्तु वह नहीं उतरे इसलिये मजबूर होकर पुलिस की गाड़ियां थाने की तरफ ले जाई गईं क्योंकि ये पुलिस की गाड़ियां किसी और इन्तजाम के वास्ते जरूरत थीं। स्वामी जी एक टैक्सी में वहां से जा चुके थे। मैं इसके बाद शीघ्र ही थाने आया। वहां पहुंचने पर देखा कि थाने के बाहर लान में वे सब आदमी बठे हुए थे। मैंने उन्हें कहा कि वे वहां से जायं क्योंकि वे गिरफ्तार नहीं हैं परन्तु वे न माने और वहीं बैठे रहे। थोड़ी देर के बाद स्वामी जी भी एक टैक्सी

में थाने आ गये और बैठे हुए लोगों में जा मिले। मैं ने इसकी सूचना डी० एस० पी० साहब को दी। स्वामी जी को कुर्सी व जल दिया गया। डी० एस० पी० और कुछ दूसरे पुलिस अफसरान आकर स्वामी जी से मिले और उन्होंने भी स्वामी जी से प्रार्थना की कि वे गिरफ्तार नहीं हैं इसलिये वहां से वे जा सकते हैं। थोड़ी देर सुस्ताने के बाद स्वामी जी वहां से चल पड़े और उनके पीछे ही बाकी लोग भी चले गये।

Statement of Head Constable Mohd. Ishaq, No. 271

5-4-67 को मेरी ड्यूटी सब-इंस्पैक्टर हरिभूषण के साथ पार्लियामेंट हाउस पर जलसा जलूस के सिलसिले में लगी थी। मेरे साथ 15 सिपाही थे। करीब 11 बजे सब-इंस्पैक्टर शामलाल भी वहां आ गये जिनको सब ड्यूटी बताई गई। गोल चक्कर में स्वामी ब्रह्मानन्द जी एम० पी० धरने पर अपने 3, 4 साथियों के साथ बैठे हुए थे। थोड़े थोड़े लोग उनके पास आते गये और बैठते गये जो तीन बजे तक करीब डेढ़ दो सौ लोग वहां पर इकट्ठे हो गये और बैठते गये। करीब साढ़े तीन बजे उन में से कुछ लोग पुलिस की खड़ी हुई गाड़ियों में स्वामी जी के साथ चढ़ गये। सब-इन्सपैक्टर शामलाल यह हालात अफसरान को बतलाने के लिये वहां से चले गये और क्योंकि उनके बार बार कहने पर भी वे लोग गाड़ियों से नीचे नहीं उतरे थे। मैं और सब-इन्सपैक्टर हरिभूषण वहीं मौजूद थे और चढ़े हुए लोगों को व स्वामी जी को बार बार कहते रहे कि वे गाड़ी से नीचे उतर जायें क्योंकि उन्हें गिरफ्तार नहीं किया गया है परन्तु वे गाड़ी पर चढ़े रहे और नीचे न उतरे। दो ट्रक बाद में थाने भिजवा दिये गये जिनमें कुछ लोग सवार थे क्योंकि गाड़ियों की दूसरी जगह जरूरत थी और वे लोग गाड़ियों से बार बार कहने पर भी नहीं उतरते थे। स्वामी जी को प्रार्थना की गई कि वे जेल वैन से उतर जायें क्योंकि उनके वास्ते जेल वैन में बैठना अच्छा नहीं, वे देश के नेता हैं। यदि उन्हें कहीं जाना है तो वे प्राइवेट गाड़ी ले सकते हैं। इस पर स्वामी जी जेल वैन से नीचे उतर आये और गुजरती हुई एक टैक्सी को रोक कर उसमें बैठ गये और मुझे कहा कि एक सिपाही इनके साथ दे दूं। मेरे कहने पर कि मैं सिपाही नहीं दूंगा क्योंकि वे गिरफ्तार नहीं हैं वे नाराज़ होने लगे। जिस पर मैंने एक सिपाही आसादीन को कहा कि वे स्वामी जी के साथ हो लें और जहां स्वामी जी कहें वहां उन्हें छोड़ दें। थोड़ी देर के बाद सिपाही आसादीन पैदल वापस उसी जगह आ गया और बतलाया कि स्वामी जी टैक्सी को पार्लियामेंट थाने जाने के लिये कहते थे परन्तु वह नहीं माना और गाड़ी को रोक के आल इंडिया रेडियो के पास नीचे उतर आ गया और पैदल वापस ड्यूटी पर आ गया। मैं वहीं ड्यूटी पर 7 बजे तक मौजूद रहा।

Statement of Constable Asha Din

मैं 5 तारीख को पार्लियामेंट हाउस पर ड्यूटी पर था। सब-इन्सपैक्टर शामलाल व हरिभूषण भी वहीं ड्यूटी पर थे। करीब सवा 5 बजे मुझे हैड-कांस्टेबल मोहम्मद इसाक ने कहा कि वह टैक्सी में जिसमें कि स्वामी ब्रह्मानन्द जी एम० पी० बैठे हुए थे के साथ बैठकर जाऊं और जहां स्वामी जी कहें वहां उन्हें छोड़ आऊं। मैं हैड कांस्टेबल के आदेशानुसार टैक्सी में बैठ गया और जब टैक्सी पार्लियामेंट स्ट्रीट पर आल इंडिया रेडियो के सामने पहुंची तो मैंने स्वामी जी से पूछा कि आप कहां जायेंगे जिस पर स्वामी जी ने कहा कि वह तो थाने पार्लियामेंट जायेंगे और टैक्सी वहीं ले चलो। मैंने स्वामी जी से कहा

कि वह तो गिरफ्तार नहीं हैं इस वास्ते मैं उनको थाने पार्लियामेंट नहीं ले जा सकता परन्तु स्वामी जी नहीं माने और टैक्सी को थाने की तरफ ले जाने को कहा। मैं ने टैक्सी रुकवा ली और टैक्सी से नीचे उतर पड़ा और वहां से पैदल अपनी ड्यूटी पर पार्लियामेंट हाउस आ गया। स्वामी जी टैक्सी में आगे चले गये। मैं अपनी ड्यूटी पर 7 बजे तक सब साथियों के साथ रहा।

(*English Translation of the Statements in Hindi*)

Statement of Swami Brahmanand, M.P.

Mr. Chief Secretary: I have come to talk to you regarding the same 5th. Something strange has happened. You may kindly tell as to what happened and how?

Swamiji: We gave a notice to Indiraji on 26th or 25th. I do not remember the date. I wrote her a letter that we had been doing this but no attention was being paid by her. I would, therefore, offer '*dharna*' from such and such date. No reply was received from her. I addressed the same letter to the President also but no reply was received from him either.

I started offering *dharna* thereafter. I wrote to the Speaker on the date on which I commenced my *dharna,* enclosing the letter addressed to the Prime Minister. I wrote again to the Speaker 4 or 5 days afterwards that after so many days even he had not paid any attention and I would, therefore, offer *Satyagraha* in connection with cow-slaughter. I wrote this letter to him on the 5th. There were about 187 persons, I did not count them, who raised slogans and took out a procession.

Mr. Chief Secretary: At what time on the 5th?

Swamiji: It was roughly past 3 o'clock say about 3-30. Nearly 187 persons gathered slowly in connection with the agitation. Here I told them that during the *Satyagraha,* if some policeman prevented them, they should not offer resistance and if he wanted to arrest them, they should not go towards the Gate. I was ahead of them. All the persons raised slogans. Their truck came there. Everyone was seated in the truck and taken away.

I was told that police-jeep was there, I should sit in it and not in the truck. I was taken away in the police-jeep. They had brought a motor-car.

Mr. Chief Secretary: Maharaj, do you remember whether it was a police-jeep or a taxi?

Swamiji: It was not a jeep, it was a motor-car. But I was told there was a jeep for me. I was then taken to the police-station. One Sadhu was with me in the car, the remaining Mahatmas were as the police-station.

Mr. Chief Secretary: Did the van reach the police station first or you?

Swamiji: The truck had reached there first. We reached afterwards. 400 or 500 police-men were there. First of all, my name was written. Then the parentage etc. of all persons was recorded. We were told to sit down. The rest were counted.

At 7 O'clock we were told to go. Thereupon the Sadhus said that they were arrested and detained for 4 hours, and then they would not go. Then, someone said that a telephone message had been received from higher authorities to set us free, why make fuss! Thereupon, I came out peacefully and everyone came out raising slogans and reached this place. Here, at about 8 O'clock—it might be 7-30 or 7-45—there were some students amongst these processionists who were also asked to go, therefore someone might have gone towards Karol Bagh, others might have gone elsewhere. Here about 50|60 persons remained. At about 1-30 A.M., people brought meals for them when they might have come to know about it because it must have been four hours after we came here.

Now the fact was that we were arrested. They might have acted rightly as they do. When someone offers DHARNA here, he is arrested. It is another matter that they might not have recognised me, whether I was an M.P. or not.

Mr. Chief Secretary: Did anybody tell you that he was arresting you?

Swamiji: Nobody told me that he was arresting me. But we took our seats. We were doing this not to create disorder. When they were about to close the gate, I said that when we had been arrested, we might sit in the van standing by and no one would go ahead. A question was raised by the people or my Party. If Government had committed a mistake, even then the conduct of the police was beyond comprehension. The most guilty are those whom I had written letters. It may be that you or the Police Superintendent did not dare arrest an M.P.

Mr. Chief Secretary: Sir, did you or did you not sit in the van similar to the one standing there?

Swamiji: I did. I was told that it would be derogatory. I said that I might be taken in that very van, why separately. Thereupon they said that they would be reprimanded from higher authorities if they took an MP in that van.

Mr. Chief Secretary: Who were they?

Swamiji: I do not know whether he was Police Superintendent or Deputy Police Superintendent. They seated me there and there were four other persons in the vehicle besides?

Mr. Chief Secretary: Where had that vehicle gone?

Swamiji: I was taken to the police-station by a little round-about route. I do not want anybody to be harmed no officer to be harmed. It is the Government who are at fault.

Police discharged its duty. Would the police not apprehend those who would break the law? We pitched tents here and if someone says to uproot them, then would we quarrel with him? It would have been right had they done that.

Mr. Chief Secretary: When you reached the police-station, did they tell you that you were not being arrested and therefore you might go?

Swamiji: They offered me a chair and wrote my name first of all, because I, the Swamiji, was the leader of the procession. Then they asked me to sit in the lawn. I was having headache, therefore, I went to the lavatory. Policemen were on duty, armed guard was on duty outside.

Mr. Chief Secretary: What happened when you were released from the police-station? Who told you to go?

Swamiji: I do not recognise anyone. When I asked whether they were releasing me, they said that everyone was being released. Someone said that they might have received a phone-call from some leader and therefore they were being released. I said that it was under law that I was arrested and it might be legal order under which I was being released. Some persons asked as to where meals would be taken?

Mr. Chief Secretary: When you told the police not to create fuss, did you take your seat in the same van thereafter?

Swamiji: They had brought the van here itself and asked me to sit in it. When we were arrested, we were seated in the van. First I sat and then others sat.

Statement of Sub-Inspector Hari Bhushan

Accompanied by Head Constable Mohammed Ishaq and 15 constables, I went to Parliament House on my duty on the 5th April, 1967. Swami Brahmanandji, M.P. had been squatting with two, three followers for several days at the circular crossing outside the premises of the Parliament House. Sub-Inspector, Shyam Lal also came there on duty at about 11 O'clock and I apprised him of the position regarding duty there. A truck from Police Station was also there. Another truck and a jail van reached there at about 1 O'clock.

People in small number came to Swamiji and till 3 O'clock about one hundred and fifty to two handred persons assembled at the circular crossing. At about 3-15 P.M. some of those people alongwith Swamiji began to get into the Police Vans. After sometime, Sub-Inspector, Shyam Lal ji said that he would apprise his officers ot the situation there and their instructions would be carried out. I remained at the Parliament House after Shri Shyam Lal had left, and requested time and again Swamiji and others who had got into the Police Vans to get down because they were not arrested. But they turned a deaf-ear to my requests and insisted that they would either go to jail or Police Station. Since the Police Vans were needed somewhere else, and I saw no way out, I sent both these trucks with some persons sitting in them, to the Police Station. After both of these trucks had left, Swamiji was again requested that it did not behave him as an M.P. and a great man to sit in jail van. In case he needed some private vehicle for going somewhere else, it would be arranged. At this, he got down from the jail van and stood up there. In the meantime a taxi passed by which was stopped by some of Swamiji's men. Swamiji got into it and asked Head Constable, Mohammed Ishaq to send a Policeman with him. In the first instance he did not agree to allow a Policeman to accompany Swamiji as he was not under arrest but on being asked again by Swamiji he allowed Constable Asadin to accompany him. He got into the taxi and then it took off. After a short while, the constable came back on foot and told that Swamiji had asked the taxi driver to go to the Police Station but he did not agree to this and got down from the taxi near All India Radio and came back. I and Head Constable, Mohammad Ishaq and other personnel remained on duty upto 7 O'clock at Parliament House because the House was to sit upto 7 O'clock on that day.

Statement of Sub-Inspector Sham Lal

I went to Parliament House on my duty at about 11 O'clock on 5-4-67. Before I reached there, Sub-Inspector Hari Bhushan, Head Constable Mohammed Ishaq and 15 constables were already there on duty. Shri Brahmanandji M.P. had been squatting at the circular crossing outside the premises of Parliament House for several days. Gradually people in small number came to Swamiji there and till 3 O'clock people numbering one hundred and fifty to two hundred assembled there. After sometime, I came to know that they would get into the Police Vans standing there of their own accord. They were peaceful. After sometime, some of them got into the Police Vans with Swami Brahmanandji. I requested them with folded hands many times not to do so and to get down from the vans because they had not been arrested but they did not get down. Seeing this, I went to Regal Park where all of my officers were present to apprise them of the situation and to consult them. It was when about 4.30 P.M. I went to Regal Park and met D.S.P. Parliament Street and other senior officers and informed them of the situation. I was told by the D.S.P., Parliament Street and S.P. (South) not to arrest them (the squatters) because there was no danger for breach of peace from them and they were squatting peacefully. Regarding Shri Brahmanandji, M.P., they said that it did not behave him to get into a Police Van and if he wanted to get into some other vehicle, some private vehicle should be arranged for him as he was not arrested and was not to be arrested.

When I returned to Parliament House, both the police trucks had left and the police jail van was standing there empty. I came to know that those people had gone to Parliament Police Station in those vehicles. Sub-Inspector Hari Bhushan, who was present that day, told that he had solicited Swamiji and the other gentlemen to get down from the vehicles as they had not been arrested but they did not do so. In the circumstances the police vehicles were taken to the Police Station as the police vehicles were required for making some other arrangement. Swamiji had already left that place in a taxi. Soon thereafter I came to the Police Station. On reaching there I saw all those persons sitting in the lawns outside the police station. I told them to leave the place as they had not been arrested but they did not pay any heed and kept sitting there. After some time Swamiji also came to the Police Station in a taxi and joined them. I apprised D.S.P. Sahib of this. Swamiji was offered a chair and water. D.S.P. and other Police Officers came and met Swamiji and they also submitted that Swamiji had not been arrested and therefore he could go from that place. After relaxing

for a while Swamiji left that place and the remaining persons also followed suit.

Statement of Head Constable Mohammed Ishaq, No. 271

On the 5th April, 1967 I had been posted alongwith Sub-Inspector Hari Bhushan at Parliament House in connection with procession etc. There were 15 constables with me. At about 11 hrs. Sub-Inspector Shamlal also came there who was apprised of all the duties. Swami Brahmanandji M.P., was staging "dharna" at the roundabout with his 3 or 4 companions. People in small number went on gathering there and sitting beside him. By 3 P.M. about 150 to 200 persons gathered and kept sitting there. At about 3.30 P.M. some of the persons alongwith Swamiji boarded the police vehicles parked there. Sub-Inspector Shamlal left the place to apprise the officers of the said situation because those people had not come down from the vehicles inspite of his repeated requests. I and Sub-Inspector Hari Bhushan were present there and we repeatedly requeste the people and Swamiji, who had boarded the vehicles, to come down from the vehicles as they had not been arrested but they remained in the vehicles and did not come down. Two trucks which some people had boarded were afterwards sent to the Police Station as the vehicles were required at some other place and those people were not getting down from the vehicles inspite of being asked repeatedly. Swamiji was requested to come down from the jail van as it did not become him to sit in the jail van, he was a leader of the country. If he had to go somewhere, he could arrange a private vehicle. On this Swamiji got down from the jail van, hailed a taxi passing by, got into that and asked me to send a constable with him. When I told him that I would not send a constable because he had not been arrested, he got annoyed. Thereupon I asked one constable named Asadin to accompany Swamiji and leave him at the place which Swamiji would choose. After some time constable Asadin returned to the same place on foot and told that Swamiji had been asking the taxi (driver) to proceed to the Parliament Police Station but he did not agree and after stopping the vehicle he got down near All India Radio and returned to duty on foot. I was present there on duty upto 7 (P.M.).

Statement of Constable Ashadin

I was on duty at Parliament House on the 5th. Sub-Inspectors Shamlal and Hari Bhushan were also on duty there. At about 5.15 (P.M.) Head Constable Mohammed Ishaq told me to accompany Swami Brahmanandji, M.P., in a taxi in which he was sitting and to leave Swamiji where he wanted to go. In compliance of the order of the Head Constable I got into the taxi and when the taxi reached in front of All India Radio, Parliament Street, I enquired of Swamiji as to where he had to go. Swamiji replied that he would go to Parliament Police Station and instructed to take the taxi there. I told Swamiji that he had not been arrested and as such he could not take him to Parliament Police Station but Swamiji did not agree and asked to take the taxi towards the Police Station. I got the taxi stopped got down and from there came back, on foot to my place of duty at Parliament House. Swamiji proceeded ahead in taxi. I remained on my duty alongwith all the colleagues upto 7 P.M.

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